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**WHAT IS LIBERTY?**







# WHAT IS LIBERTY?

*A Study in Political Theory*

*by*

Dorothy Fosdick

INSTRUCTOR IN SOCIOLOGY  
SMITH COLLEGE

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“When Nations fall out about freedom,  
a wide field of debate is opened.”

—THOMAS PAINE  
*The Rights of Man*







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## *Introduction*

THE MEANING OF LIBERTY IS ONE OF THE MOST FAMILIAR and most controversial subjects in current political discussion. Titles of recent books indicate this: *Liberty, Liberty To-day, Freedom, The New Freedom, The Future of Liberty, This Freedom of Ours, A Challenge to Liberty, The Method of Freedom, The Blessings of Liberty, This Torch of Freedom, Freedom in the Modern World*. In such books we find historical studies covering the achievement of certain kinds of liberty; political arguments for specific freedoms; sociological studies of meanings attributed to liberty by a single school of thought; philosophic arguments justifying a particular use of the term. No single volume, however, has attempted to present and analyze all the diverse and often contradictory meanings currently associated with the word liberty.

This study is such an endeavor. In contemporary political discussion men habitually use the term 'liberty' in many different senses. Confusion and inconsistency characterize even highly respected political scientists and statesmen. Since ideas are men's primary tools of understanding, such variation in the use of a cardinal political and social idea has serious practical consequences. Men both misunderstand one another and confuse the issues with which they deal. The National So-



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cialist leader, Josef Goebbels, for example, says, "It is not true that national socialist law has cramped individual freedom."<sup>1</sup> Yet a man living under that law assures us, "The people rebel, however, for they have lost their freedom."<sup>2</sup> When men thus lose their liberty in the name of liberty the conflicting meanings of the term demand examination.

It is not the intention of this book to maintain that liberty will ever have a single, universally accepted meaning. All words, particularly those which are used as political slogans, assume a variety of connotations. But it is the purpose of this study to present the several meanings now attached to the term liberty and to analyze the effect of their acceptance on political thought and practice. On the basis of this discussion a concluding chapter offers, not indeed an attempted solution to the problem of liberty, but a restatement of its nature.

In the preparation of this volume I am indebted to many friends who have given me the benefit of their advice, particularly Professors Schuyler C. Wallace and Lindsay Rogers of Columbia University. Above all, I owe a very special obligation to Professor Robert Morrison MacIver for his constant encouragement and his careful and critical supervision of the manuscript at every stage.

Smith College,  
September, 1938

DOROTHY FOSDICK

<sup>1</sup> Cited in "Nationalsozialistische Führer über geistige und persönliche Freiheit," *Die Freie Deutsche Schule*, February 15, 1938, 23.

<sup>2</sup> Georg Decker, *Revolte und Revolution Der Weg zur Freiheit*, Nr. 7. Sozialdemokratische Schriftenreihe (Karlsbad, 1934), 35.



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## CHAPTER I

### *Liberty—The Core of Meaning*

THE TERM LIBERTY SEEMS AS ELUSIVE AND INCONSISTENT as the endlessly varied social situations in which it is used. So immediately does its significance take impress from the experience of men in different centuries, different places, and different positions in the social structure, that, superficially, at least, there appears to be no constancy to its character. As Montesquieu said: "There is no word that admits of more various significations, and has made more varied impressions on the human mind, than that of Liberty."<sup>1</sup> Nevertheless, under many diverse conditions, liberty maintains a persistent core of meaning. Our first task is to disengage this core from its accretions.

One of the most familiar social conditions arousing a concern and a claim for liberty is represented in the words of Herodotus: "The Persians had long been ill content that the Medes should rule them, and now having got them a champion they were glad to win their freedom."<sup>2</sup> So, too, the Athenians at Salamis are de-

<sup>1</sup> Charles L. Montesquieu, *The Spirit of the Laws* (New York, 1900), Book XI, 179.

<sup>2</sup> *Herodotus* (ed. Loeb, London, 1926), Vol. I, Book I, 127.



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scribed by Aeschylus as crying for liberty: “. . . a mighty shout greeted our ears: ‘On, ye sons of Hellas! Free your native land, free your children, your wives, the fanes of your fathers’ gods, and the tombs of your ancestors. Now you battle for your all.’”<sup>3</sup> Similarly Tacitus describes a delegate from a tribe across the Rhine addressing a popular assembly in Cologne: “. . . we congratulate you that at last you are going to be free men among free men; for until today the Romans have closed rivers and lands, and in a fashion heaven itself, to keep us from meeting and conferring together, or else—and this is a severer insult to men born to arms—to make us meet unarmed and almost naked, under guard and paying a price for the privilege. . . . Liberty and masters are not easily combined together.”<sup>4</sup> With a similar connotation the imprisoned Apostle Paul described his loss of individual freedom at the hands of the Romans, “who, when they had examined me, desired to set me at liberty, because there was no cause of death in me. But when the Jews spake against it, I was constrained to appeal unto Cæsar.”<sup>5</sup>

In each of these situations a concern for liberty was stimulated by the same condition: some external authority so constrained or was expected to constrain an individual or group that it could no longer act according to its desire or custom.

<sup>3</sup> Aeschylus, “The Persians,” *Aeschylus* (ed. Loeb, London, 1922), Vol. I, lines 393-405.

<sup>4</sup> Tacitus, *The Histories* (ed. Loeb, London, 1931), Book IV, Lxrv.

<sup>5</sup> *The Acts*, 28:16-19.



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Jacques—the fool in Shakespeare's *As You Like It*—does not wish to be restricted in his mummeries:

“I must have liberty  
Withal, as large a charter as the wind,  
To blow on whom I please.”<sup>6</sup>

So Ruskin recalls an incident in his childhood: “One evening . . . when I was yet in my nurse’s arms, I wanted to touch the tea-urn, which was boiling merrily. It was an early taste for bronzes, I suppose: but I was resolute about it. My mother bid me keep my fingers back: I insisted on putting them forward. My nurse would have taken me away from the urn, but my mother said—‘Let him touch it, Nurse.’ So I touched it,—and that was my first lesson in the meaning of the word Liberty. It was the first piece of Liberty I got; and the last which for some time I asked for.”<sup>7</sup>

Behind every demand for liberty is this desire to escape some unwelcome external restraint. This is true in large national matters. In his campaign book *Mein Kampf* Hitler wrote the following appeal for the freedom of the German nation: “If the National Socialist Movement is to rise to a great mission for our people in the eyes of history . . . heedless of ‘traditions’ and prejudices it must boldly muster our people and their powers for the march on the road which leads from the present cramped situation to new territory. Thus would come

<sup>6</sup> William Shakespeare, *As You Like It*, Act II, Sc. vii, lines 47–49.

<sup>7</sup> John Ruskin, “The Story of Arachne,” a lecture delivered at Woolich, December 13, 1870, *Complete Works* (London, 1905), XX, 372.



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freedom for ever from the danger of either perishing or becoming a slave nation in the service of others.”<sup>8</sup>

When one turns from such extensive applications of the word to the homeliest personal situations, there is present the same dissatisfaction with restraint. An English street hawker was making the most of a London rush hour demonstrating the performance of his clockwork mice on the Strand. When a policeman asked him good humoredly to move away from the crowded area of the bus stop, he did so, but shouted: “This is a free country, ain’t it?” Someone asked him: “What do you mean by being free?” “Not being messed about—by Government or coppers,” he said.<sup>9</sup>

Whether it is Ruskin at an early age hindered by his nurse from touching a tea-urn, or the German nation kept from acquiring new territory by the coercion of other powers, a fundamental factor is present in each of these instances, namely, a feeling of being prevented from doing as one pleases, either because one is stopped from doing it or because one is forced to do something else. And in all such cases, however diverse the circumstance, the demand for liberty, whether stated in refined or homely terms, springs from the same resentment against constraint.

Moreover, in each of these cases the individual or group feels competent to do what is desired. In addition to the wish for certain activities there is present a feeling of capability. The Persians felt capable of ruling them-

<sup>8</sup> Adolf Hitler, *Mein Kampf* (Munich, 1936), 731-732.

<sup>9</sup> Frank Birch, *Thus Freedom of Ours* (Cambridge, 1937), 3-4.



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selves, the Athenians of administering the life of their native land, and Paul of going his own way preaching, but in each case the exercise of this competence by the individual or group was threatened or prevented. It is that situation which calls forth a concern for 'liberty.'

Furthermore, in all such situations, where something more than personal competence is needed, the individual has near at hand the means to do what he feels capable of doing. The claim for liberty arises when the individual is not permitted to use means in the outer environment which would otherwise be available. Ruskin had the tea-urn and a finger to touch it with, but his nurse stopped him from touching it. The street hawker had his mice and a place to show them, but he was pushed along to another stretch of sidewalk where he did not wish to go. When the individual wants to do something and feels capable of doing it, but cannot do it because he is prohibited to use available means, or because in order to constrain him these means are withdrawn or destroyed, or because he is compelled to use available means in an undesired way, he feels a threat to his liberty.

So liberty is held to be endangered or denied when some outside influence prevents the doing of what one desires to do, feels able to do, and has otherwise available means of doing. In the instances cited such outside restraints are the direct or indirect result of human will. In each case a restraint felt as an interference with liberty originates in the will or action of some other person or persons. Such restraint may come from an identifi-



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able individual or group, as, for example, a recalcitrant nurse, an overbearing policeman, or a social class. So an Austrian *émigré* accuses the agents of government and business: "They would have called me up next month for military service. I got in on the quota in the nick of time. . . . I couldn't make a living. Not what you'd call a living. I wanted a chance to work, to make some money, and keep it, and get a home, and do as I please. . . . The government, the bureaucrats, the soldiers, the bosses. They don't give you a chance. They don't let you alone." "What is Freedom?" he was asked. Looking amazed at the question, "*Es ist die Luft!*" he said. "It is the air! It's where you can breathe and be a man."<sup>10</sup>

The restraint, however, may arise from the institutions and policies of an economic, political, or cultural association such as a concert of nations hampering German expansion. Emma Goldman attacked the entire series of contemporary institutions which, as she saw it, tend to crush the individual: "Anarchism, then, really stands for the liberation of the human mind from the dominion of religion; the liberation of the human body from the dominion of property; liberation from the shackles and restraint of government."<sup>11</sup>

The restraint, moreover, may arise from some social custom of action or thought, some code, taboo, or prevalent respectability. While both custom and public opinion are sustained by the wills of persons within a

<sup>10</sup> Dorothy Thompson, "On the Record," *The New York Herald Tribune*, October 30, 1936.

<sup>11</sup> Emma Goldman, *Anarchism, and Other Essays* (London, 1917), 68.



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group, they may be felt to be 'outside' for any particular individual. So Euripides' Hecuba complained when Agamemnon, because of the hostility of the crowd, feared to coöperate with her in punishing her son's slayer:

"Ah, among mortals is there no man free!  
To lucre or to fortune is he slave:  
The city's rabble or the law's impeachment  
Constrains him into paths his soul abhors."<sup>12</sup>

Thus conventionality of dress may be enforced. Maurice Parmelee describes an occasion when against his will a restriction was put upon the nature of his dress: "On a hot summer's day I removed my coat in the reading room of a famous club in Washington and felt much more comfortable. My shirt was much cleaner and looked better than my woolen coat. Presently a negro attendant came in and informed me that shirt-sleeves were permitted only in the billiard room."<sup>13</sup>

This sense of hindrance from without habitually accompanies the concern for liberty. Each situation in which a demand for freedom arises includes two variable elements: on the one hand, things men desire to do, feel able to do, and have otherwise available means of doing, and on the other, outer restraints which restrict the possibilities of action. The claim for liberty in a concrete situation has a persistent core of meaning: it is a demand for conditions under which one is not prevented

<sup>12</sup> Euripides, "Hecuba," *Euripides* (ed. Loeb, London, 1912), Vol. I, lines 864-867.

<sup>13</sup> Maurice Parmelee, *Bolshevism, Fascism and the Liberal-Democratic State* (New York, 1934), 360.



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from doing what one has desire, competence, and means to do.

When people use liberty with the prepositions to, of, for, or from, they are thinking of this persistent meaning in a particular context. The liberties defended by the 1937 Oxford Conference on Church, Community, and State involved certain conditions felt to be essential to the fulfillment of the functions of the church. Among them were: "(a) freedom to determine its faith and creed; (b) freedom of public and private worship, preaching and teaching; . . . (e) freedom to control the education of its ministers, to give religious instruction to its youth and to provide for adequate development of their religious life; (f) freedom of Christian service and missionary activity, both home and foreign. . . ."<sup>14</sup> Such liberties imply a certain kind of relation between the state and the wish and ability of the church to do something, and a condition is sought in which the state will not bar the church from pursuing its desired functions.

The long list of liberties guaranteed in Bills of Rights, or in separate articles of constitutions, including freedom of association and public meeting, freedom of movement and of choosing one's residence, freedom of commerce, of conscience, of contracts, of writing, of emigrating, of teaching, of industrial functions, of opinion, of thought, of speech, of press, of choosing one's profession, and all types of individual liberty, freedom from

<sup>14</sup> J. H. Oldham, *The Oxford Conference (Official Report)* (New York, 1937), 72.



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arbitrary exile, molestation, seizure of property, imply a certain form in the relationship between the state and a kind of activity which some group wants to follow.

Usually reference is made to the liberty of some group to do something in particular. Konrad Henlein of the Sudeten-German National Socialist party included in his demands for the revision of Czechoslovak law: "Full liberty for the Germans to demonstrate their adhesion to Germanism and to the ideology of the Germans."<sup>15</sup> But even where a particular kind of liberty is not mentioned, the group's liberty, the state's liberty, and the business man's liberty imply an absence of restraint on desired pursuits. Wilhelm Frick in a special article written in 1935 to celebrate the Reichsparteitag der Freiheit said: "The power of the nation depends solely on our inner unity and solidarity. It is the protection of the peace and freedom of the German people."<sup>16</sup> Freedom of the German people, that is, involves the absence of outer checks upon the activity of the Germans. A member of the German Social Democratic party wrote, after the beginning of the National Socialist regime: "We desire the security of law and freedom for the individual."<sup>17</sup> Freedom for the individual, that is, means a condition of activity in which the individual will not be kept from doing as he wishes in certain realms.

<sup>15</sup> *Der Angriff*, April 26, 1938.

<sup>16</sup> Wilhelm Frick, "Die Einheit des Reiches in der deutschen Gesetzgebung," *Sondernummer des Völkischen Beobachters*, September, 1935.

<sup>17</sup> Anonymous, *Revolution Gegen Hitler, Die Historische Aufgabe der Deutschen Sozialdemokratie*, 16.



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When liberty is used with a modifying adjective, as, for example, economic, personal, political, or academic, the meaning implied is the absence of hindrances on activity in certain areas of experience. Academic liberty is one example. It may mean the liberty of teachers to teach economics or any other subject without being restrained by the school administration, a group of politicians, or some industrial magnate, or it may mean the liberty of the school administration to select its teachers, promote them, and dismiss them without being prevented from carrying on these functions by state legislatures or a group of alumni. But in each case the terms imply a condition in which some person is not prevented from carrying on some particular activity.

When Alfredo Rocco writes about economic liberty under Fascism he is talking about a condition where an individual will not be stopped from following economic pursuits in his own way. "Fascism does not look upon the doctrine of economic liberty as an absolute dogma. . . . But Fascism maintains that in the ordinary run of events economic liberty serves the social purposes best; that it is profitable to entrust to individual initiative the task of economic development both as to production and as to distribution; that in the economic world individual ambition is the most effective means for obtaining the best social results with the least effort."<sup>18</sup>

As our illustrations have amply testified, people want to do, are able to do, and have the means to do an end-

<sup>18</sup> Alfredo Rocco, *The Political Doctrine of Fascism*, International Conciliation No. 223, October, 1926, 20.



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less variety of different things. Moreover, they change their ideas of what they want to do, and circumstances which determine their abilities and the means at their disposal are constantly altering. So, while a claim for liberty is often a claim for the condition of not being estopped from doing what one wants to do at the moment, the condition of liberty in any area of experience implies that several alternatives of action remain open. Liberty in any realm is the lack of restraint not merely on what men care to do at the moment but on what they may care to do. Liberty involves the continued existence of unclosed possibilities of choice even after one has been taken, allowing a person to continue to do what he wants even if he changes his mind. A man has liberty in any area when several liberties are open to him in that area. Having liberty of speech does not mean having a liberty to speak in one way, or if that is refused, a liberty to go to prison. Rather it implies freedom to speak or not to speak, to speak at a certain time or at another, in one particular way or in another. It implies freedom to profess this belief, or any other one, "to advocate, for instance, the establishment of a dictatorship in America, or a Soviet form of government, or an hereditary monarchy, or the abolition of religious freedom, or other changes in our political, economic or social system, no matter how unwise or how shocking."<sup>19</sup> A condition of liberty in any area of experience involves

<sup>19</sup> Decision of Vice-Chancellor Bigelow in a case involving the American League of the Friends of New Germany, cited in *The New York Times*, June 15, 1938.



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*alternative choices which admit the possibility of continuously doing as one wants.*

Some writers claim that specific liberties imply more than not being prevented from doing what one wishes. Freedom is said to involve the presence of means to do something, or of some special power by which to effect it. These conditions, however, may be present, and yet there may be no liberty. As we have already noted, they are in fact present before an actual demand for liberty arises. Means and liberty must be distinguished. The former implies the presence of the appropriate resources for doing what one wants. The latter is the absence of restraint arising from the opposing wills or actions of other men. They are both necessary conditions for getting a particular thing done, but they are different. One is the *presence of a means or power*, the other is an *absence of certain restraints*. So in the 1937 Constitution of the Union of Soviet Socialist Republics the liberties and means for the pursuit of certain activities are appropriately distinguished.

“Article 125: In accordance with the interests of the working people, and in order to strengthen the socialist system, the citizens of the U.S.S.R. are guaranteed by law:

- (a) Freedom of speech;
- (b) Freedom of the press;
- (c) Freedom of assembly and meetings;
- (d) Freedom of street processions and demonstrations.



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"These rights of citizens are ensured by placing at the disposal of the working people and their organizations printing shops, supplies of paper, public buildings, the streets, means of communication and other material requisites for the exercise of these rights."<sup>20</sup>

The government is to provide resources, or the means for the pursuit of certain activities, and is to guarantee liberties, or the absence of hindrances to their pursuit.<sup>21</sup> Opportunity is sometimes used as an inclusive term covering both these conditions, as it appears to be in the following illustrations. "I am *economically free* in so far as I have the opportunity to earn a decent livelihood by some work that is of social value, or at least socially harmless."<sup>22</sup> ". . . by Personal Liberty we mean the practical opportunity that we have of exercising our faculties and fulfilling our desires."<sup>23</sup> When liberties are thus defined as opportunities to do something, liberty with its literal core of meaning is apparently implied as one element of an opportunity.

There are two distinct ways in which men seek to

<sup>20</sup> Article 125, "Constitution of the Union of Soviet Socialist Republics," Anna Louise Strong, *The New Soviet Constitution* (New York, 1937), 154-155.

<sup>21</sup> For further elaboration of this distinction see Chapter III. Liberty is only one among the requisites for accomplishing anything. The matter can be put schematically as follows:

liberty + means = opportunity

liberty + means + will = purposive activity

liberty + means + will + competence = purposive achievement

<sup>22</sup> Joseph A. Leighton, *Social Philosophies in Conflict* (New York, 1937), 320.

<sup>23</sup> Sidney Webb, *Towards Social Democracy?* (London, 1916), 7.



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achieve freedom. And at the root of both approaches is the literal meaning. On the one hand, men concern themselves with the redistribution of external restraints. Such efforts arise when liberties that are desired by some are in conflict with those already enjoyed by others. For one person's freedom may mean the end of another's. As Tawney remarked, "Freedom for the pike is death for the minnows."<sup>24</sup> Liberty for the entrepreneur to sell as he chooses may destroy the liberty of the consumer to buy as he chooses. Liberty for the German nation to go its own way has put an end to the similar liberty of the Austrian nation. A condition of freedom for Ruskin's nurse was one of restraint for Ruskin. Certain liberties are always made possible at the expense of others.

It is important to note, therefore, that efforts to reallocate external restraints pass through three stages. First, demands are made for freedom from a particular coercion, or from certain authorities, and men concern themselves with abolishing the outer constraints rebelled against. Secondly, these negative demands pass naturally into positive appeals for certain specific liberties which then serve as one criterion for a new distribution of restraints. In 1789, during the French Revolution, the National Assembly favored the use of legal restraints, not as the monarchy had used them, but to secure individual liberties and certain other rights against those who might deny them: "The aim of every political association is the preservation of the natural and impre-

<sup>24</sup> R. H. Tawney, *Equality* (New York, 1931), 220.



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scriptible rights of man. These rights are liberty, property, security, and resistance to oppression.”<sup>25</sup> So an underground German Liberty Party advocates not simply the removal of political restraints imposed by National Socialist leaders on all men holding differing opinions, but also the placing of restraints upon men who seek to prevent spontaneous differences from appearing.<sup>26</sup> The third stage is reached when men have established the liberties they seek and live under conditions in which they are not prevented from doing as they want. The issue is then the use to which these liberties shall be put. So Walter Lippmann wrote in *Drift and Mastery*: “The issues that we face are very different from those of the last century and a half. The difference, I think, might be summed up roughly this way: those who went before inherited a conservatism and overthrew it; we inherit freedom, and have to use it.”<sup>27</sup> So Matthew Arnold said in addressing his countrymen: “Freedom, like Industry, is a very good horse to ride;—but to ride somewhere. You seem to think that you have only got to get on the back of your horse Freedom, or your horse Industry, and to ride away as hard as you can, to be sure of coming to the right destination.”<sup>28</sup> This is the theme of recent American pamphlets and sermons which seek to encourage people to take advantage of existing alterna-

<sup>25</sup> “Declaration of the Rights of Man and Citizen,” August 26, 1789. F. M. Anderson, *The Constitutions and other select documents illustrative of the History of France, 1789-1901*, (Minneapolis, 1904), 59.

<sup>26</sup> *The New York Times*, April 10, 1937.

<sup>27</sup> Walter Lippmann, *Drift and Mastery* (New York, 1914), xvii.

<sup>28</sup> Matthew Arnold, *Friendship's Garland* (New York, 1896), 344.



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tives of action by taking the 'higher alternatives.'<sup>29</sup> And the use to which liberties are actually put determines how soon the negative phase of the struggle for liberty will reappear. But whichever of these three stages men are involved in, whether freedom from some restraint, liberty to do something, or freedom for something worthwhile is the main point at issue, liberty retains its literal meaning. It is a condition of several unclosed alternatives such that one is not estopped from doing what one desires and is able to do.

Men seek to achieve freedom not only by redistributing external social restraints. They have found an alternate way. Men make subjective efforts to like what they are at liberty to do, no matter how restricted the alternatives, in order to feel free. Such subjective efforts are usually made when several alternatives of action no longer exist, the doors to them having been closed by social coercion. When in a given area the possibilities have been radically restricted, men have inwardly managed either to like what they had to choose to do in that area, or to channel their desires into other areas still open to them, and so have saved a remnant of freedom. Even in such situations the literal meaning is involved.

To begin with, those who approve the course of action prescribed and enforced by an authority in what-

<sup>29</sup> See Alexander Meiklejohn, "Liberty—for What?", *Harpers* CLXXI, August, 1935, 364-372; Harry Emerson Fosdick, "How Much Do We Want Liberty?", *The Power to See It Through* (New York, 1935), 95-104; William Allan Neilson, "First Vesper Address," *Smith Alumnae Quarterly*, November, 1937; William Scarlett, "Aspects of Liberty," (unpublished, 1938).



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ever area of experience tend to feel free under it in spite of having no alternative choice. They may favor whatever the authority does or they may favor a single policy. In either case they would want to do what they are not prevented from doing, which, as we have already seen, is at the root of the experience of feeling free. A particular group of people who are sympathetic with government policies may claim they are free because they have *a* liberty to do the particular things which are allowed by the government and which they desire to do.

Even where from the beginning people have not approved the course of action left open to them, they may still have a kind of liberty by wanting to do only what they are not prevented from doing. This type of situation is precipitated when an authority so limits the alternatives as to make it impossible for one to do as one wants.<sup>4</sup> This is the predicament of many people living under dictatorships. To escape a sense of outer constraint men can either so control the direction of their wants, or can so modify them, that what they want to do can be done within the limited alternatives presented. They find a fragment of liberty on a second level.

One familiar way in which this has been done is by a conscious redirection of one's wants into channels that remain open despite the restraints. The terms *sublimation*, a diverting of a want to some new level of satisfaction, and *substitution*, the turning of a desire into some other outlet on the same level, are common ways of defining this experience. After such a redirection of one's



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interests, the claim is frequently made that one has found liberty. So in Ignazio Silone's modern Italian novel, Spina is caught within the encompassing restraints of dictatorship. Yet he so directs his interests in the light of the alternatives before him, that he feels himself a free man. "Liberty isn't a thing you are given as a present," said Spina. "You can be a free man under a dictatorship. It is sufficient if you struggle against it. He who thinks with his own head is a free man. He who struggles for what he believes to be right is a free man. . . . Liberty is something you have to take for yourself. It's no use begging it from others."<sup>30</sup> What Spina has done is to take the one desired alternative still open to him, the chance to participate in underground opposition to the institutions of Italian Fascism. Disguised as a priest, he travels back and forth between peasants and city workers, plotting the overthrow of the dictatorship. He has given up the hope for several alternative liberties and has retreated to a kind of liberty that still remains possible.

Though in jail, Henry D. Thoreau had scope to think as he wanted. He retained one type of liberty and called himself free: ". . . if there was a wall of stone between me and my townsmen, there was a still more difficult one to climb or break through before they could get to be as free as I was. I did not for a moment feel confined, and the walls seemed a great waste of stone and mortar . . . they thought that my chief desire was to stand the other side of that stone wall. I could not but smile to see

<sup>30</sup> Ignazio Silone, *Bread and Wine* (New York, 1937), 32.



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how industriously they locked the door on my meditations, which followed them out again without let or hindrance . . .”<sup>81</sup>

William Cowper pictures a freeman who by renouncing all liberties but one, the right to contemplate nature in his mind’s eye as the handiwork of God, may go about the world unconstrained.

“His freedom is the same in every state;  
And no condition of this changeful life  
So manifold in cares, whose every day  
Brings its own evil with it, makes it less.  
For he has wings that neither sickness, pain,  
Nor penury, can cripple or confine.  
No nook so narrow but he spreads them there  
With ease, and is at large. The oppressor holds  
His body bound, but knows not what a range  
His spirit takes unconscious of a chain,  
And that to bind him is a vain attempt  
Whom God delights in, and in whom he dwells.”<sup>82</sup>

Of this type of experience, the lines of Richard Lovelace are a classical expression:

“Stone walls doe not a prison make,  
Nor iron bars a cage;  
Mindes innocent and quiet take  
That for an hermitage;  
If I have freedome in my love,  
And in my soule am free,

<sup>81</sup> Henry David Thoreau, “Civil Disobedience,” *Thoreau: Philosopher of Freedom* (New York, 1930), 26–27.

<sup>82</sup> William Cowper, “The Task,” *The Works of William Cowper* (London, 1836), Vol. IX, 223.



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Angels alone that sore above  
Enjoy such liberty."<sup>33</sup>

Epictetus the Stoic, though he claimed to have found liberty, found in fact only this specific kind. When independence of action was virtually denied him he gave up any claims to such freedom, and rejoiced in inner ethical and religious reflection, the unrestrained privilege of participation in universal reason: "The unhampered man, who finds things ready to hand as he wants them, is free. But the man who can be hampered, or subjected to compulsion, or hindered, or thrown into something against his will, is a slave."<sup>34</sup> "And how shall I free myself?—Have you not heard over and over again that you ought to eradicate desire utterly, direct your aversion towards the things that lie within the sphere of the moral purpose, and these things only, that you ought to give up everything, your body, your property, your reputation, your books, turmoil, office, freedom from office? For if once you swerve aside from this course, you are a slave, you are a subject, you have become liable to hindrance and to compulsion, you are entirely under the control of others."<sup>35</sup> This was an heroic effort to salvage one kind of liberty, to enjoy inner privileges one could not be shut out from, in a situation where external authority seemed remorselessly to coerce the individual.

Sometimes, by consciously accepting a double stand-

<sup>33</sup> Richard Lovelace, "To Althea from Prison," *Lucasta The Poems of Richard Lovelace* (Chicago, 1921), Vol. I, 139.

<sup>34</sup> Epictetus, "The Discourses," *Epictetus* (ed. Loeb, London, 1926), Vol. II, Book IV. i. 128-129.

<sup>35</sup> *Ibid.*, Book IV. iv. 33-34.



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ard of conduct, certain kinds of liberty may be salvaged in situations where at first none seemed possible. At the root of this experience, also, lies the literal meaning of liberty. On the one hand, when moving in public circles or with certain people one may conform one's actions to the requirements of the authorities. In the outer world one may be constrained to follow prescribed patterns of speech and conduct. On the other hand, when in one's own room behind closed doors, or with one's closest friends, one may talk and act as one wants. As one German *émigré* wrote of her experience under National Socialism: "As long as we remained in the house together . . . we had peace and freedom. Outside the storm raged on, but within all was well."<sup>36</sup> Such a double standard involves again a conscious control of one's interests, the nature of which is determined by the particular time and situation. In the sanctuary of the catacombs, in a secluded country spot, in a basement cellar meeting-place, or in the semi-privacy of a home one can perhaps speak and plan as one chooses. So Spina in Silone's Italian novel talked to his nearest friends as he really felt, while in talking to a local Fascist party official he spoke as was expected of him. Yet he considered himself a free man.

Under rigid authoritarian rule, whether of a church, a prince, an army, or a state, this maintenance of a double standard of conduct has been found by many to be the only possibility of doing what one wants, even though the doing of it is limited to certain times and to

<sup>36</sup> Eva Lips, *Savage Symphony* (New York, 1938), 46-47.



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certain favorable external conditions. As G. A. Borgese has graphically said of the Italians under Fascism, "The gesture of the walkers turning their heads lest eavesdroppers tread their footprints became almost a feature of the race."<sup>37</sup> This maintenance of a double standard is not freedom on the first level, but is a form of the last stand of liberty when other liberties are impossible. Yet while any conditions are still available, no matter how few, under which one is not prevented from doing something one wants to do, one will continue to feel that there is some freedom.

Any such double standard is likely over a period of time to be relaxed through suggestion, pressure, and gradual habituation until one no longer feels constrained even by the coercions of public life. For a second way in which men come to want to do what they are permitted to do, and so possibly to feel free, is by a gradual modification of their wants through more or less unconscious habituation to prescribed ways of acting. "For man in the long run cannot live a double life; in order to live in harmony with himself, he adapts his thoughts to the manner of life that force imposes upon him."<sup>38</sup> There may be no renunciation of certain liberties to save other liberties. But when only certain possibilities for satisfaction are open, men over a period of time may unconsciously conform their wants to those possibilities. Through the habitual doing of a thing, even under constraint, men may become accustomed and willing to do

<sup>37</sup> G. A. Borgese, *Goliath* (New York, 1938), 317.

<sup>38</sup> Thomas Mann, *The Coming Victory of Democracy* (New York, 1938), 15.



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it. Habits are known to make tolerable and even enjoyable what once was an undesired necessity. So a constraint, once experienced as an unwanted limitation on one's acting, may be in time happily accepted, as new habits shut out the memory of the old frustration.

In 1931 Mussolini compelled all university professors to take a Fascist oath. Many of them signed without conviction, because of economic necessity, believing that an extorted lie never binds the liar. Those who signed, all but thirteen, were soon compelled to take out membership cards in the Fascist party, pledging themselves to live and die for Fascism. Having become Fascists, they were ordered to wear the black shirt on state occasions, and to speak on behalf of the Fascist revolution. What happened to many of these professors is summed up by Mr. Borgese: ". . . the lie does bind the liar. . . . Men do not like to live with split and disturbed consciences, and their natural inclination is to think what they say and to be as they seem to be. . . . Many of them rationalized the oath and became interested in the permanent triumph of Fascism, seeking in it the justification of their behaviour." They transfigured "the sad necessity of their slavery into the virtue of a free choice."<sup>39</sup>

If men thus come to want to do what it is possible for them to do, and claim that they feel free or have liberty, again our literal meaning is involved. What has happened to the Italian university professors has happened to many people under dictatorial forms of government. But what thus may be subsumed under the broad name of liberty is actually only a specific kind of liberty, free-

<sup>39</sup> G. A. Borgese, *Goliath*, 305.



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dom to do what the authorities allow. In so far as the interests of the people by means of suggestion and habit are brought into correspondence with the alternatives of action permitted by the social and political system under which they live, just insofar will they feel no lack of liberty. For the moment at least their wants have become relatively stabilized and intransient so that they do not feel the lack of other alternatives of action than those before them. They are not being restrained from doing what they please at the moment. Where other kinds of liberty have become impossible, this liberty to do those things which are permitted or overlooked by the government, may still remain a retreat for those who welcome it. Through this process of unconscious habituation slaves have even come to love their chains.

But it may be well to emphasize that such remnants of liberty in any area of experience do not constitute liberty in that area. When all present and potential alternatives of choice are closed by constraint men are not free. Liberty implies an absence of restraint both on what a man does and on what he may incline to do. Having liberty is necessarily dependent on an external situation offering a continuous succession of alternative possibilities of action. A man has liberty in an area of experience when various choices are open to him; he has *a* liberty when there exist two alternatives between which he is able to choose.

While we may be justified in broadly characterizing democracies and dictatorships by the two different levels



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upon which the approach to liberty is made, it should not be forgotten that most people combine in their own experience the two approaches we have been suggesting. A person tends at one moment to demand that there be several alternatives of action in some area of experience. At the next moment the same person will accept the existence of a single possibility of action in that same area, through conscious renunciation of old wants or by habituation to an enforced command. After a deprivation of liberties on one level necessity may be accepted and a particular liberty retained on a second level. Signor Mussolini said in explaining his policy with regard to the German occupation of Austria: "When an event is inevitable it is better that it should be done with your assent rather than in spite of you or, worse still, against you."<sup>40</sup> It is this possibility of shifting from one approach to the other which explains why some people seem to go through life without any apparently deep or lasting experience of feeling constrained. They are always able to do what they want to do.

Hobbes' definition of a freeman therefore is very near the truth: "*A FREE-MAN, is he, that in those things, which by his strength and wit he is able to do, is not hindred to doe what he has a will to.*"<sup>41</sup> Our illustrations have witnessed to the acceptance of this literal core of meaning among Democrats, Socialists, Fascists, Nazis, and Communists. To many people it may be the only widely used mean-

<sup>40</sup> *The Manchester Guardian Weekly*, May 20, 1938.

<sup>41</sup> Thomas Hobbes, *Leviathan* (Oxford, 1909), Chapter XXI, 161.



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ing of liberty in its social and political bearing to which they are accustomed. Such people, however, must be unaware of the many deviations from it into which they themselves unconsciously slip and which philosophers and propagandists consciously formulate. The following chapter will show how these deviations differ among themselves and how they are respectively associated with the stricter meaning.



## CHAPTER II

### *Liberty—The Protean Disguise*

DEPARTURES FROM THE LITERAL MEANING OF LIBERTY have marked the whole course of political thinking. We have already noted how specific opportunities to do as one wants may be conceived as specific liberties. Where the term liberty is used in general, apart from a particular context, with no preposition or modifying adjective, its meaning has shifted like Sahara's sands, and at times just as treacherously. In such cases liberty has been identified with so many other ideas that it loses all semblance of its literal sense.

Liberty has commonly been identified with a special form of social environment on the basis of which free activity can take place. This identification is frequent in the writings and speeches of men who advocate either the retention of given social conditions or the creation of new ones in order to assure a favorable situation for activities they wish to see flourish. Liberty, as one condition of activity, becomes associated with others and as the argument proceeds is wholly or partially identified with them. This may be the result of an unconscious transference in the heat of argument. It may follow a



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calculated manoeuvre by propagandists to lend to a less popular condition the prestige of a more popular name. Or it may result from a sincere conviction that liberty does really imply some condition of activity other than absence of restraint. But whatever the intricacy of the motives involved, it is the fact of identification that concerns us here.

1. A familiar form of this identification is one in which liberty means not the absence of restraint alone but the presence of power, opportunity, or leisure to act, or more simply the possession of a good house and three square meals a day.

" . . . liberty is not just an idea, an abstract principle. It is power, effective power to do specific things."<sup>1</sup>

"Real freedom means good wages, short hours, security in employment, good houses, opportunity for leisure and recreation with family and friends."<sup>2</sup>

"Liberty is the fullest opportunity for man to be and do the very best that is possible for him."<sup>3</sup>

"Freedom simply means the power to carry out your own emotions."<sup>4</sup>

" . . . the opportunity to live the best kind of life, to develop one's personality and individuality, is liberty."<sup>5</sup>

<sup>1</sup> John Dewey, "Liberty and Social Control," *The Social Frontier*, November, 1935, 41.

<sup>2</sup> Oswald Mosley, *Fascism* (London, 1936), paragraph 9.

<sup>3</sup> Phillips Brooks, "True Liberty," *Addresses* (Philadelphia, 1895), 96.

<sup>4</sup> Clarence Darrow, "Personal Liberty," *Freedom in the Modern World*, edited by H. M. Kallen (New York, 1928), 116.

<sup>5</sup> Evron M. Kirkpatrick, *Man and Society*, edited by E. P. Schmidt (New York, 1937), Chapter IX, 423.



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“ . . . liberty—in the sense in which alone it is worth caring for, i.e., opportunities of self-development—. . . ”<sup>6</sup>

“We must recognize that true liberty, i.e., opportunity to become personalities, cannot be enjoyed by some unless open to all—and it cannot be open to those who are starving, homeless, defeated.”<sup>7</sup>

Liberty thus stands for the possession of means with which something can be done. Its significance is conceived not so much as the mere absence of restraint but as the possession of certain goods or powers.

John Dewey calls liberty effective power to do specific things, so that “the demand for liberty is a demand for power.”<sup>8</sup> This identification stems from an assumption that the basic condition of liberty at any given time lies in what persons can and cannot do. Liberty is then not simply one of several conditions required to get something done; it includes all positive outer conditions requisite to ‘effective action,’ such as economic means, social privilege, and political power. ‘Effective liberties’ and ‘effective powers’<sup>9</sup> are used interchangeably to denote the potencies possessed by an individual or group.

A still more popular illustration of this identification appears in the writings of Sir Oswald Mosley, leader of the British Union of Fascists. Freedom to him means the presence of certain opportunities. “At present the mass of the people have no freedom. Under Fascism for the

<sup>6</sup> David G. Ritchie, *Natural Rights* (London, 1916), 140.

<sup>7</sup> Joseph A. Leighton, “Liberty—Weasel Word,” *The American Scholar*, Winter Issue, 1938, 47.

<sup>8</sup> John Dewey, “Liberty and Social Control,” *The Social Frontier*, November, 1935, 41.

<sup>9</sup> *Ibid.*, 41, 42.



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first time they will have freedom.”<sup>10</sup> For if the people will give their government the power to act, real freedom can be assured. Real freedom is nothing less than the presence of certain economic conditions, good wages, short hours, security in employment, and good houses.<sup>11</sup>

George Bernard Shaw insists that freedom should be called by its real name—“leisure.”<sup>12</sup> This conclusion rests on the assumption that work of any sort is the opposite of liberty: “If you have to work for twelve hours a day, you have no freedom at all.”<sup>13</sup> “Farmers who have to work sixteen hours a day to pay rent and interest on mortgages in addition to buying necessities for their families are not free: they are abject slaves.”<sup>14</sup> The equal sharing of leisure after the task of productive work has also been equally shared “will produce an enormous extension of freedom,”<sup>15</sup> for the “practical form of freedom is leisure.”<sup>16</sup>

While Beatrice and Sidney Webb say that liberty coincides in meaning with ‘doing as one chooses,’ they claim that to be up to date we should define it as the presence of opportunity to act as one desires.<sup>17</sup> The beginning of this change in meaning from the absence of restraint to the presence of opportunity was, they sug-

<sup>10</sup> Oswald Mosley, *Fascism* (London, 1936), paragraph 9.

<sup>11</sup> *Ibid.*, paragraph 9.

<sup>12</sup> G. B. Shaw, *Essay XIII in Freedom* (London, 1936), 148.

<sup>13</sup> *Ibid.*, 147.

<sup>14</sup> G. B. Shaw, *The New Republic*, April 14, 1937, 289.

<sup>15</sup> *Ibid.*, 289.

<sup>16</sup> *Ibid.*, 289.

<sup>17</sup> Sidney and Beatrice Webb, *Soviet Communism: A New Civilisation?* (New York, 1936), Vol. II, 1033, 1035.



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gest, expressed a century ago in the comment that “under the English constitution every man was free, but only in the sense in which he was ‘free to resort to the London Tavern’—that is to say, if he could afford the expense! There is no freedom where there is no opportunity of taking advantage of it.”<sup>18</sup> “Real liberty exists only where exploitation has been annihilated, where no oppression of some peoples by others exists, where there is no unemployment, no poverty, where a person does not tremble because tomorrow he may lose his job, his home, his food.”<sup>19</sup>

2. The idea of liberty is also frequently joined in meaning to some institutional arrangement, such as a particular type of government or system of property.

“Liberty is anarchy, because it does not admit the government of the will, but only the authority of the law: that is, of necessity.”<sup>20</sup>

“ . . . there is *one* general principle that distinguishes freedom from slavery, which is, that *all hereditary Government over a people is to them a species of slavery, and representative Government is freedom.*”<sup>21</sup>

“Nothing is more certain, however, than that there will be one more struggle still to come—that between dictator-

<sup>18</sup> *Ibid.*, 1034.

<sup>19</sup> Joseph Stalin in an interview with Mr. Roy Howard, cited in John Strachey, *The Theory and Practice of Socialism* (London, 1936), 198.

<sup>20</sup> P. J. Proudhon, *Qu'est-ce que la Propriété?* (Paris, 1926), Chapter V, pt. 2nd. sec. 3, 343.

<sup>21</sup> Thomas Paine, *Rights of Man* (New York, 1921), 202.



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ship in any of its forms and those principles of free democracy which constitute Liberty.”<sup>22</sup>

“For the preservation of democracy, which means preservation of our liberty I would fight myself and I believe the people of this country would fight.”<sup>23</sup>

“It has been the pride of BRITONS to boast of their *Liberty* and *Property*; and although these visionary Reformers have chosen to substitute the notion of *Equality* in the place of the latter, it is trusted there are enough who know too well the value of their *Property*, acquired under the influence of true *Liberty*, to surrender it in exchange for an empty name.”<sup>24</sup>

Here liberty, defined as either the absence of restraint or the presence of means, is associated with some particular governmental or economic system.

In the thought of the French anarchist Proudhon, liberty meant the anarchist society of the future.<sup>25</sup> “This third form of society, the synthesis of communism and property, we will call *liberty*.”<sup>26</sup> There are to be no outer restraints in the anarchist society, for all men by reason will discover necessity in the laws of nature and will live accordingly. The only law will be the law of nature gladly accepted by all reasonable men. The anarchist society will be nothing less than a system of liberty for

<sup>22</sup> Nicholas Murray Butler, “The Statue of Liberty,” *The Family of Nations* (New York, 1938), 277.

<sup>23</sup> Neville Chamberlain, “Speech before the House of Commons, March 7, 1938,” *The New York Times*, March 8, 1938.

<sup>24</sup> *Proceedings of the Association for Preserving Liberty and Property against Republicans and Levellers*, Association Papers, Part I Publications (1793), No. 1, 5.

<sup>25</sup> P. J. Proudhon, *Qu'est-ce que la Propriété?*, 343.

<sup>26</sup> *Ibid.*, 342.



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all. "Destroy all the institutions of Inequality; establish the economic and social Equality of all, and on this basis will arise the liberty, the morality, the solidary humanity of all."<sup>27</sup>

Or liberty is thought to coincide in meaning with the communist system in its final form. Engels wrote and is constantly being quoted, "As long as the proletariat *needs* the State, it needs it *not in the interests of freedom, but in order to crush its enemies, and when it becomes possible to speak of freedom, the State, as such, will cease to exist.*"<sup>28</sup> Some day there will be a realized realm of freedom "in which the free development of each is the condition for the free development of all."<sup>29</sup>

On the other hand, Herbert Hoover amalgamates the idea of liberty and the present American democratic system. "Our American System cannot be made to work part free and part regimented."<sup>30</sup> The assumption is that the American system is wholly free. In criticizing the New Deal he writes: "Whereas, under true Liberty, men are divided on ways and means for its fruition, under the attempt to impose forced economic life they must divide on the most fundamental principle of all—Liberty or Government domination."<sup>31</sup> Here true liberty is identified with the American democratic system. The root of this amalgamation, as with Proudhon and Engels, lies in the assumption that liberty, meaning ab-

<sup>27</sup> Michael Bakounine, *God and the State* (London, 1893), 25.

<sup>28</sup> Letter of Engels to Bebel dated March 18-28, 1875, cited by Joseph Stalin, *Leninism* (New York, 1933), Vol. II, 225.

<sup>29</sup> Karl Marx and Friedrich Engels, *Communist Manifesto* (New York, 1919), 40.

<sup>30</sup> Herbert Hoover, *The Challenge to Liberty* (New York, 1934), 113.

<sup>31</sup> *Ibid.*, 134-135.



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sence of restraint, may be conceived as an institutional system. As Mr. Hoover said in an address to a group of young Republicans: "I believe in the American System of Liberty."<sup>32</sup>

Writers who argue that there is no freedom under one form of government and, by contrast, that there is a system which assures it, have thereby identified liberty with some single governmental method. So Walter Lippmann in his *Method of Freedom*, conceiving liberty as essentially the absence of restraint on choice, states that only two alternatives are open to a modern nation, planned collectivism and free collectivism. The former, he says, is a system of iron discipline. The latter "is free because it preserves within very wide limits the liberty of private transactions."<sup>33</sup> ". . . we may say that free collectivism, as indicated in the policies of the English-speaking countries during the present crisis, is the method of liberty in the Twentieth Century as laissez-faire was its method in the Nineteenth."<sup>34</sup> Francis Hirst has written: "The cardinal difference, on which everything turns, is between the free State and the slave State—between the theories and constitutions which promote freedom and those which promote servitude."<sup>35</sup> Or Guy Tawney, thinking of liberty as "opportunity to develop and exercise human powers and capacities,"<sup>36</sup>

<sup>32</sup> Herbert Hoover, "The Choice for Youth," Address before the Young Republican League of Colorado, Colorado Springs, March 7, 1936.

<sup>33</sup> Walter Lippmann, *The Method of Freedom* (New York, 1934), 46.

<sup>34</sup> *Ibid.*, 111-112.

<sup>35</sup> Francis W. Hirst, *Liberty and Tyranny* (London, 1935), 17.

<sup>36</sup> Guy Allen Tawney, *Liberty and Democracy* (Cincinnati, no date), 10.



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believed at the time of the World War that man was faced with two alternative forms of government. "There are at the bottom just two forms of government from which to choose today, namely, the one which we have just described and the one which Germany and her allies seek to impose on the world. . . . On the one hand Liberty, opportunity to achieve a richer and more continuous life: on the other, Autocracy with its dynastic ambitions, its subordination of the personality of the individual to the interests of the state, and its ruthless confiscation to its own uses of the property and lives of its subjects."<sup>37</sup>

Liberty is also often partially identified with an economic system, whether of private or of collectively owned property. The first position is characteristic of many partisans of the American Liberty League, and appears in their claims that only private property will assure liberty. "History abundantly demonstrates that the rights of life and liberty have been recognized only as rights of private property have been recognized."<sup>38</sup> So the presence of private property is both a system of property and a system of liberty.

Or a speaker before 'The Liberty and Property Defence League' characterized the non-Socialistic form of society aimed at by the League as the path of liberty and property. "We hear sometimes of good Socialism and bad Socialism. There is no good Socialism, just as

<sup>37</sup> *Ibid.*, 11.

<sup>38</sup> William R. Perkins, *A Rising or a Setting Sun*, American Liberty League Document No. 135 (September, 1936), 11.



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there is no good cholera. The path to follow is the one opened by yourselves, the path of liberty and property.”<sup>39</sup> This partial identification arises again from the assumed combination of various liberties into a system of liberty.

An entirely different application of this attitude is represented by a Mexican philosopher, José Mancisidor. “Only economic independence will give the individual effective and final freedom.”<sup>40</sup> And since the “individual attains his true economic independence by means of suppression of individual property,”<sup>41</sup> freedom is assured only in a system of corporately owned property. So the existence of corporate property is both a system of property and a system of liberty.

3. In still another way the idea of freedom is commonly amalgamated with a special environmental condition of activity: liberty is identified with some particular principle, such as equality, equality of opportunity, security, social order, or justice.

“Liberty is equality . . .

Liberty is infinite variety . . .

Liberty is proportionality . . .”<sup>42</sup>

“Liberty is equality, equality is liberty.”<sup>43</sup>

<sup>39</sup> Paul L. Beaulieu, *Liberty and Property—The Two Main Factors of Human Progress*, The Liberty and Property Defence League. (1897), 11.

<sup>40</sup> José Mancisidor, *The New Republic*, May 5, 1937, 382.

<sup>41</sup> *Ibid.*, 382.

<sup>42</sup> P. J. Proudhon, *Qu'est-ce que la Propriété?*, 343.

<sup>43</sup> French Political Dictionary (1848) definition of liberty, cited by Francis Lieber, *On Civil Liberty and Self-Government* (Philadelphia, 1877), 29.



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"Liberty—or justice, for where there is justice there is liberty, and liberty is nothing else than justice—has by no means been enjoyed by the ancients in a higher degree than by the moderns."<sup>44</sup>

"If we are to make a fresh start toward its fulfillment [the American dream], we must interpret freedom to mean equality of opportunity, and restrain all so-called specious liberty to do as one pleases with one's legally owned property which hinders the restoration and maintenance of equality of opportunity."<sup>45</sup>

"The new democracy, that which we shall reach by way of socialism, will bring a perfect balance between security and freedom. For it, insecurity will no longer exist when the social conditions producing it have ceased to exist. And freedom will then be understood as a superior coördination of collective forces which guarantee security."<sup>46</sup>

"All minorities invoke justice and justice is freedom."<sup>47</sup>

"In conjunction with the bells of peace will ring the bells of liberty, for nobody's harm and for everybody's joy. Liberty means that disorder is inferior to order. Liberty opens the way for energies making for progress, and it also is capable of being concentrated in common work. Liberty is order."<sup>48</sup>

<sup>44</sup> F. W. Tittmann, *Descriptions of the Grecian Politics* (Leipzig, 1822), cited by Francis Lieber, *Ibid.*, 30.

<sup>45</sup> Joseph A. Leighton, *Social Philosophies in Conflict* (New York, 1937), 328.

<sup>46</sup> Juan Marinello, *The New Republic*, May 12, 1937, 13.

<sup>47</sup> Roger Soltau, *French Political Thought in the Nineteenth Century* (New Haven, 1931), 42.

<sup>48</sup> Adolf Wermuth, Speech in January, 1917, cited by Hartley Burr Alexander, *Liberty and Democracy* (Boston, 1918), 145-146.



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Liberty here is identified with a principle to which the state must in some degree conform. When this principle is defined as meaning the absence of restraint, the presence of security, or the possession of economic power, and the term liberty is defined in approximately the same manner, the two become identified. So liberty in the course of an argument comes to mean equality, security, or justice.

Joseph Leighton writes that "we must interpret freedom to mean equality of opportunity."<sup>49</sup> This equivalence follows directly on the assumption that a specific liberty means a specific opportunity, that the specific liberty to live and realize personality is liberty, and that the more equality of opportunity there is the more "concrete and full liberty" there will be. Liberty and equality of opportunity are thus identified.

In spite of assurances that liberty and equality are not the same thing, Harold Laski identifies them in the argument of his *Liberty in the Modern State*. Equality is defined as essentially an absence of barriers and exclusions to the development of man's personality. "The idea of equality, in a word, is such an organization of opportunity that no man's personality suffers frustration to the private benefit of others. . . . He knows that in his effort to attain happiness no barriers impede him differently from their incidence upon others."<sup>50</sup> Liberty is likewise defined as essentially an absence of

<sup>49</sup> Joseph A. Leighton, *Social Philosophies in Conflict*, 328.

<sup>50</sup> Harold J. Laski, *Liberty in the Modern State* (New York, 1930), 11.



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restraint.<sup>51</sup> Then particular freedoms which the poor and underprivileged desire are spoken of as 'liberty.'<sup>52</sup> So liberty and equality are used interchangeably to refer to a condition of activity involving 'absence of restraint.' "We are in the difficulty that every step we take towards freedom is a step towards the equalization of privileges now held unequally."<sup>53</sup> "The penumbra of freedom, its purpose and its life, is the movement for equality."<sup>54</sup> "There cannot, in a word, be democratic government without equality; and without democratic government there cannot be freedom."<sup>55</sup> ". . . liberty is unattainable until the passion for equality has been satisfied."<sup>56</sup>

Francis Miller amalgamates the idea of liberty with that of security. Liberty is "the condition in which all citizens enjoy both freedom and security and in which there is the most perfect balance between freedom and security."<sup>57</sup> Freedom is defined as the presence of civil rights, and security as the presence of a consuming power sufficient to provide a decent standard of living.<sup>58</sup> Liberty "is a compound composed of economic goods as well as civil rights."<sup>59</sup> This amalgamation rests on an

<sup>51</sup> *Ibid.*, 1.

<sup>52</sup> *Ibid.*, 218.

<sup>53</sup> *Ibid.*, 215.

<sup>54</sup> *Ibid.*, 218-219.

<sup>55</sup> *Ibid.*, 228.

<sup>56</sup> Harold J. Laski, "Liberty," *Encyclopaedia of the Social Sciences* (New York, 1935), Vol. IX, 446.

<sup>57</sup> Francis Miller, *The Blessings of Liberty* (University of North Carolina, 1936), 4.

<sup>58</sup> *Ibid.*, 4-5.

<sup>59</sup> *Ibid.*, 5.



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underlying assumption that man may have freedom, that is, be allowed to think, speak, and meet as he wishes, but that he may not be able to 'enjoy' it, or 'exercise' it.<sup>60</sup> This is also Harold Laski's concern when he writes, "Economic security is not liberty though it is a condition without which liberty is never effective,"<sup>61</sup> or, "Without economic security, liberty is not worth having."<sup>62</sup> What both he and Mr. Miller imply is that men can have liberty but cannot 'use it.' What their arguments indicate they really mean to say is that without economic security liberty is impossible. The term liberty implies for them at least a condition in which men have security.

It is not only when the idea of liberty is associated with any one of several outer conditions of activity that the literal core of meaning has been compromised. Liberty has also been held to mean a kind of life, a quality of being, no longer a condition of activity, but activity itself. Liberty becomes identified with a way of living which in itself is felt to be the fulfillment of life. Whereas the identifications of liberty with a condition of activity generally appear in appeals for social conditions felt to be requisite to the achievement of a worth-while life, this other form of identification occurs in the course of pleas for a worth-while life itself. Such a life may be deemed good for any one of a number of reasons—because if universalized such a life would make freedom

<sup>60</sup> *Ibid.*, see 72.

<sup>61</sup> Harold J. Laski, *Liberty in the Modern State*, 4.

<sup>62</sup> *Ibid.*, 4.



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possible for all, or because it is morally good, or because by so living one contributes to values and causes held to be worth-while, or because if others live that way one's own position of social privilege or power could be maintained. Whatever the motive of the particular identification, four patterns distinguish themselves.

1. Liberty and the process of being one's *individual* self are often identified.

"Freedom is the free life, the full self-realization, growth, expansion, attainment of free personality, in free persons—and it simply cannot be anything else."<sup>63</sup>

"Liberty may be defined as the affirmation by an individual or group of his or its own essence."<sup>64</sup>

"To be free, then, is to express one's own nature in action. . . . The most positive way of expressing this is to say that free action is spontaneous action, or that freedom is spontaneity."<sup>65</sup>

Liberty here means to be one's individual self—to live a kind of life that expresses one's own unique personality. It is a way of life which takes content from each person according to his own self-determination. The literal meaning of liberty as an outer condition implying several unclosed alternatives of action is abandoned, and

<sup>63</sup> Stanley Mellor, "Freedom as the Goal of Life," *Liberation* (London, 1929), 65.

<sup>64</sup> Harold J. Laski, "Liberty," *Encyclopaedia of the Social Sciences*, Vol. IX, 444.

<sup>65</sup> John Macmurray, *Freedom in the Modern World* (New York, 1932), 166.



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liberty means the taking of alternatives which permit one to be one's individual self. This transference in meaning from a condition of activity to achieving a personally unique way of life is made on the basis of the assumption that in being one's individual self one is free.

To Adam Müller, a representative of the privileged conservative German class in the early nineteenth century, freedom meant this. It involved the striving of men to develop themselves in all the variety of their different natures, each according to his own inner principle. It is the very opposite of equality, interpreted to mean that men are equal in their abilities and relations. “. . . if freedom is nothing but the universal striving of a variety of different natures for growth and life, one could think of no greater contradiction than that simultaneously with the introduction of freedom all the peculiarity and variety of these natures should be denied.”<sup>66</sup> For Adam Müller holds that men are essentially unlike in their talents, and freedom means that everyone develops in response to his own peculiar law of growth. This law alone should determine for each individual both the possibilities and the limits of his development. By this criterion of an ‘inner law’ man can know what alternatives to pursue to be his individual self and so to find his liberty.

Harold Laski believes that the passion for self-realization has always been at the root of the idea of liberty, and he goes on to define liberty as “the affirmation by

<sup>66</sup> Adam H. Müller, *Die Elemente der Staatskunst* (Berlin, 1809), 151.



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an individual or group of his or its own essence.”<sup>67</sup> Liberty is then not a condition of activity but a process by which one affirms one’s individuality in action.

To a young student from India liberty “means nothing more and nothing less than the exercise of personality, a thing to be loved and feared, because while it brings dangers, it is the only thing in the world which is worth-while in itself.”<sup>68</sup> Liberty means self-expression, and all organizations of the community must aim to encourage the self-expression of every individual. A universal exercise of personality is possible only under conditions of equality; “If India is to make an experiment, in this, she must be educated and organised. It is only then that the spirit of true freedom, that sense of equality of man as man, which now characterises the political and social thought of England, will be possible for her to achieve.”<sup>69</sup>

2. Liberty and being one’s *good* self are frequently identified.

“To be completely free we have to be completely personal, completely real as persons. . . . People who are self-centred and egoistic cannot be free.”<sup>70</sup>

<sup>67</sup> Harold J. Laski, “Liberty,” *Encyclopaedia of the Social Sciences*, Vol. IX, 444.

<sup>68</sup> Sudhish Chandra Ray, *The Idea of Liberty in Relation to State and Non-State Organisations in England* (unpublished, 1922), M. S. Thesis, Introduction.

<sup>69</sup> *Ibid.*, 21.

<sup>70</sup> John Macmurray, *Freedom in the Modern World*, 199, 202.



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"And a life of self-renouncing love  
Is a life of liberty."<sup>71</sup>

" . . . we find no bad man free . . . "<sup>72</sup>

"Is true Freedom but to break  
Fetters for our own dear sake,  
And with leathern hearts, forget  
That we owe mankind a debt?  
No! true freedom is to share  
All the chains our brothers wear,  
And, with heart and hand, to be  
Earnest to make others free!"<sup>73</sup>

"Well knows every wise nation, that their liberty consists in  
manly and honest labours, in sobriety and rigorous honour  
to the marriage-bed."<sup>74</sup>

" . . . he who acts according to his best judgment is free.  
Hence as Aristotle said, the good man, the wise man, and  
the free man are the same."<sup>75</sup>

Liberty here means to live a kind of life that expresses one's better self. It is a more precise mode of life than being one's *individual* self. One set of principles derived from a particular quality or sphere of experience is now given primary importance. The real self is defined as one's moral self, one's intelligent self, one's temperate

<sup>71</sup> Anna L. Waring, Hymn 221, *Hymns of Prayer and Praise* (London, 1921), verse 8.

<sup>72</sup> Epictetus, "The Discourses," *Epictetus*, Vol. II, Book IV. i. 5.

<sup>73</sup> James Russell Lowell, "Stanzas on Freedom," *Poems* (Boston, 1890), Vol. I, 147.

<sup>74</sup> John Milton, "Of Reformation in England," *The Prose Works of John Milton* (London, 1838), 14.

<sup>75</sup> Everett D. Martin, *Liberty* (New York, 1930), 271.



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self, or one's aesthetic self. In expressing this *better* self, so variously defined, one achieves liberty. While in every case the general nature of the self is made explicit, its precise nature remains a matter for individual determination, and as individuals are considered the ultimately valuable units, participation in common causes or the pursuit of common values felt to be involved in the process of being one's *good* self, are justified only in so far as such participation contributes to individual development. Liberty is then not simply a condition of activity where one is faced with various unclosed alternatives of action, but is rather the taking of one or more alternatives indicated by one's *better* self. This transference in the meaning of liberty from the presence of alternatives to the affirming of one's *good* nature in accepting a certain kind of alternative, is made on the basis of two assumptions: first, that in being one's *good* self one is free; second, that a special set of principles derived from a particular quality or area of experience is the expression of one's *good* self.

So for Epictetus freedom meant to be one's good self. "He is free who lives as he wills, who is subject neither to compulsion, nor hindrance, nor force, whose choices are unhampered, whose desires attain their end, whose aversions do not fall into what they would avoid. Who, then, wishes to live in error?—No one.—Who wishes to live deceived, impetuous, unjust, unrestrained, peevish, abject?—No one.—Therefore, there is no bad man who lives as he wills, and accordingly no bad man is free. And who wishes to live in grief, fear, envy, pity, desiring



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things and failing to get them, avoiding things and falling into them?—No one at all.—Do we find, then, any bad man free from grief or fear, not falling into what he would avoid, nor failing to achieve what he desires?—No one.—Then we find no bad man free, either.”<sup>76</sup> There is here the implicit distinction between a good will and a bad will. The bad will knows not the law of nature, but it is only through knowledge which the good will has of that law that man can achieve both control over his external desires and an inward harmony with the will of Providence. Freedom implies the identification of one’s actual will with the law of nature and the will of Providence. While the individual himself remains always the judge and interpreter of the law, only the man who lives as his good will wills can be free. And this good will indicates the alternatives which must be taken to be one’s good self and thus to be an emancipated man.

For Immanuel Kant liberty is to be one’s reasonable self. It is the subjection of one’s empirical will to norms of reason within one’s own mind.<sup>77</sup> It is acting in conformity with one’s good will which is at once the inevitable and universal expression of the rationality of the individual. It is therefore acting “on that maxim which will enable you at the same time to will that it be a universal law.”<sup>78</sup> So in being free each man’s will and ac-

<sup>76</sup> Epictetus, “The Discourses,” *Epictetus*, Vol. II, Book IV. i. 1–6.

<sup>77</sup> Immanuel Kant, *The Fundamental Principles of the Metaphysic of Ethics* (New York, 1938), 65–66.

<sup>78</sup> *Ibid.*, 38.



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tion may subsist side by side with every other man's. Man's reason is the only adequate guide to the alternatives men ought to pursue to become their good selves and to be free.

John Stuart Mill in a short essay, *On Social Freedom*, writes that a man acts "with freedom who yields to the impulse of the *highest motive* which demands his obedience, or which presents itself to his consciousness, at the moment of determination."<sup>79</sup> Assuming that man always desires to pursue the highest motive, it follows that in yielding to it he is free. Freedom implies becoming one's good or better self. So the martyr or patriot who defies bad laws, and suffers the penalties involved in disobedience, seems to Mill to be more free than a man who abides by these laws in opposition to the dictates of his conscience.<sup>80</sup> The degree of one's freedom is then relative to the highness of one's motives. "I am convinced that a careful scrutiny of human actions will show that where, in actual life, men act with unfreedom—where we feel them to be in any way enslaved or deprived of their freedom, their actions are nevertheless determined by *choice*—that the free action differs from the unfree, or the action which is more free from the action which is less free, in the different orders of motives which prompt them."<sup>81</sup>

To Thomas H. Green liberty meant to be one's moral self. Liberty was the self willing its own satisfaction by

<sup>79</sup> J. S. Mill, *On Social Freedom* (London, 1907), 74.

<sup>80</sup> *Ibid.*, 71.

<sup>81</sup> *Ibid.*, 77.



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willing moral objects with which it identified itself.<sup>82</sup> Man has two wills, an actual and a good will. The former may not be directed to the satisfaction of the self through the willing of moral objects, while the good will is always so directed. It is the human will harmonized with human reason, and human reason gives man the capacity to conceive the perfection of his nature as an end to be pursued by action and shows him that perfection through moral acts is only possible by acting in common with others. Moral interests are all common interests. So the self in willing the common interest is free. It thereby wills both the goodness of itself in relation to others, and the goodness of society which is constituted by such relations. The state as a means for the attainment of the free moral life is to enable man "to realise his reason, i.e. his idea of self-perfection, by acting as a member of a social organisation in which each contributes to the better-being of all the rest."<sup>83</sup> "And the only acts which it *ought* to enjoin or forbid are those of which the doing or not doing, *from whatever motive*, is necessary to the moral end of society."<sup>84</sup> Man's good will is alone capable of indicating the alternatives men should take to be their moral selves and so to find freedom.

John Macmurray writes that to be free is to act in a way that expresses one's own essential or real nature.<sup>85</sup>

<sup>82</sup> Thomas H. Green, *Lectures on the Principles of Political Obligation* (London, 1917), 26-27.

<sup>83</sup> *Ibid.*, 32-33.

<sup>84</sup> *Ibid.*, synopsis of ¶15, ix.

<sup>85</sup> John Macmurray, *Freedom in the Modern World*, 166.



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Human freedom, consisting in the inner quality of a man's life, means being a real person.<sup>86</sup> Being real implies, first, thinking and feeling spontaneously for oneself and keeping one's thought and feeling in harmony by acting on them: secondly, thinking, feeling, and acting in terms of what is not ourselves.<sup>87</sup> For the "person whose thoughts pay no attention to the facts isn't thinking for himself. He isn't thinking at all. The person whose feelings take no account of the real significance of the world around him is just not feeling."<sup>88</sup> To be our real selves is to live in communion with what is not ourselves, and since the supreme reality in human life is the reality of persons, being our real selves is only possible through and in relation to other people. So we "are free only in and through the reality of our friendships."<sup>89</sup> "People who are self-centred and egoistic cannot be free."<sup>90</sup> In becoming real persons, that is in increasing our ability to know people as they really are and to love them for what they really are, we realize our own essential nature and achieve freedom.<sup>91</sup>

For Alexander Meiklejohn the important liberty, inner liberty, means to be one's worthiest self. It is not a gift from without but is the quality of a man's or nation's own life.<sup>92</sup> The highest quality of life arises only as

<sup>86</sup> *Ibid.*, 201.

<sup>87</sup> *Ibid.*, 202.

<sup>88</sup> *Ibid.*, 202.

<sup>89</sup> *Ibid.*, 203.

<sup>90</sup> *Ibid.*, 202.

<sup>91</sup> *Ibid.*, 205.

<sup>92</sup> Alexander Meiklejohn, *What Does America Mean?* (New York, 1935), 102.



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men grow in sensitiveness, in intelligence, in active, creative sharing in the work of the human spirit. Such growth is the principle of both democracy and liberty.<sup>93</sup> Liberty means to grow in sensitiveness and in intelligence, and to share in creative work; it is identical with activity on behalf of the ideal democratic enterprise: “. . . liberty is active participation in the democratic enterprise,” and can therefore be in harmony with both equality and fraternity.<sup>94</sup>

To John Dewey liberty means a trend of conduct by which one develops preferences into intelligent choices.<sup>95</sup> It means the process of becoming an intelligent self. Assuming that man's essential purpose is “to be an intelligent human being,”<sup>96</sup> a trend of conduct which contributes to that purpose is liberty. Liberty is thus not a condition of activity already given, nor is it a mode of being already possessed. It is the developing of more and more intelligent preferences between alternatives whereby man can both choose better and do better—“‘better choice’ meaning a more reflective one, and ‘better doing’ meaning one better coordinated with the conditions that are involved in realizing his purpose.”<sup>97</sup>

Finally, Spina, to whom we have already referred in our first chapter, finds his freedom under Italian Fascism, in fighting for freedom. This opposition to the

<sup>93</sup> *Ibid.*, 203, 204.

<sup>94</sup> *Ibid.*, 204-205.

<sup>95</sup> John Dewey, “Philosophies of Freedom,” *Freedom in the Modern World*, edited by H. M. Kallen (New York, 1928), 267.

<sup>96</sup> *Ibid.*, 257.

<sup>97</sup> *Ibid.*, 256-257.



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government involves living a disciplined life. And even "if you live in the freest country in the world and are lazy, callous, apathetic, irresolute, you are not free but a slave, though there be no coercion and no oppression."<sup>98</sup> So Spina conceives of freedom as being one's worthiest self, using whatever alternatives there are by choosing causes felt to be worth-while and growing in character through rigorously disciplining oneself in devotion to those causes.

3. Another identification of liberty with a way of life is evident in the frequent blending of the two ideas, freedom and obedience to law.

"There is then no liberty without laws, nor where someone is above the laws: even in the state of nature, man is free only because of the natural law, which enjoins everyone. A free people obeys, but does not serve; it has leaders, but not masters; it obeys the laws, but only the laws; and it is by the force of the laws that it does not obey men. . . . A people is free, whatever the form of its government, when, in the one who governs it sees not a man, but an organ of the Law. In brief, liberty always follows the fate of laws, she rules and perishes with them; I know of nothing more certain."<sup>99</sup>

"To respect the laws, is to respect liberty in the only rational sense in which the term can be used; for liberty consists in a subserviency to law."<sup>100</sup>

<sup>98</sup> Ignazio Silone, *Bread and Wine* (New York, 1937), 32.

<sup>99</sup> J. J. Rousseau, *Lettres Écrites de la Montagne*, VIII, in C. E. Vaughan, *The Political Writings of Jean Jacques Rousseau* (Cambridge, 1915), Vol. II, 235.

<sup>100</sup> Jonathan Boucher, *A View of the Causes and Consequences of the American Revolution* (London, 1797), 509.



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"Only the law can give us liberty."<sup>101</sup>

"In governments—that is, in societies directed by laws—liberty can consist only in the power of doing what we ought to will. . . . Liberty is a right of doing whatever the laws permit . . . ."<sup>102</sup>

"Law is slavery only when a law is imposed by one class upon another. When all submit to law imposed by the common will for the common good, the law is not slavery, but true liberty."<sup>103</sup>

"Obedience to just laws is not only not incompatible with the enjoyment of the blessings of liberty: it is an essential part of it. The enforcement of just laws is, indeed, the means of securing liberty."<sup>104</sup>

Here liberty means a way of acting specifically defined by a legal code. It means obedience to rules of conduct formulated in the law. It does not mean to follow one's own unique pattern of growth: nor does it mean to be one's *better* self according to one's own self-determination. Rather it involves being what the legal code explicitly says one should be. Law has replaced the individual as the center of attention. Whereas in our two previous patterns of identification the individual is considered the final focus of his own activity, here a

<sup>101</sup> One title among theme suggestions for Hitler Youth, Paul Sommer, *Deutschlands Erwachen, 100 Aufsatzthemen und -entwürfe* (Leipzig, 1933), 76.

<sup>102</sup> Charles L. Montesquieu, *The Spirit of the Laws* (New York, 1900), Book XI, 180.

<sup>103</sup> Philip Snowden, *Socialism and Syndicalism* (London, 1914), 176.

<sup>104</sup> Arthur N. Holcombe, *The Foundations of the Modern Commonwealth* (New York, 1923), 289.



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common value has become the final end of his efforts. Liberty thus comes to mean not the absence of restraint, but acting in terms of the presence of systematic legal restraint. Law, rather than the individual will, determines what single line of action is to be taken to find freedom. This transference of the meaning of liberty from absence of restraint to obedience to legal constraint is made on the basis of the following assumptions: first, that the individual who follows his real purpose or his real will is free; second, that the general will is identical with an individual's real purpose or will, and third, that law is the expression of the general will.

To Rousseau law is not only a method of enlarging liberty; it is the very form of its realization. For law enacted by the general will is the will of all men when they are willing that which is of common interest and for the good of the whole.<sup>105</sup> The general will is thus general both in source and in scope, and should be carefully distinguished from the will of all which is only the sum of particular wills involved in particular interests. "It follows from what has gone before that the general will is always right and tends to the public advantage; but it does not follow that the deliberations of the people are always equally correct. Our will is always for our own good, but we do not always see what that is; the people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is

<sup>105</sup> J. J. Rousseau identifies the general will alternately with the will of the people as they will for the common good, and with the will of a body that *makes* laws.



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bad.”<sup>106</sup> So in obeying law enacted by the true sovereign or general will, “each, while uniting himself with all, may still obey himself alone, and remain as free as before.”<sup>107</sup> For the general will is every man’s real will. “When therefore the opinion that is contrary to my own prevails, this proves neither more nor less than that I was mistaken, and that what I thought to be the general will was not so. If my particular opinion had carried the day I should have achieved the opposite of what was my will; and it is in that case that I should not have been free.”<sup>108</sup> Liberty becomes thus the realization of ourselves within law, and “whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free; . . .”<sup>109</sup> So with only one course of action open if it is a course determined by the general will, one is free, and liberty and ‘law-abidingness’ become thereby identified.

F. J. C. Hearnshaw, writing during wartime to show that liberty and compulsory military service are not incompatible, identifies liberty with obedience to English law. Liberty means only “the absence of all restraint except that of law.”<sup>110</sup> “English liberty” is consistent with compulsory registration, vaccination, education, taxation, insurance, etc., for they are regulations imposed by a common will for the common good. “If then

<sup>106</sup> J. J. Rousseau, *The Social Contract* (London, 1932), Book II, Chapter iii, 25.

<sup>107</sup> *Ibid.*, I, vi, 14.

<sup>108</sup> *Ibid.*, IV, ii, 94.

<sup>109</sup> *Ibid.*, I, vii, 18.

<sup>110</sup> F. J. C. Hearnshaw, *Freedom in Service* (London, 1916), 26.



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the laws of England add one more coercion, and proclaim anew the duty of universal military service, not only will they do a thing consonant with justice and equity, they will also do a thing which does not in the smallest degree diminish any individual's civil liberty."<sup>111</sup>

Law-abidingness in a democratic country is identified with liberty by William Temple, Archbishop of York. To him liberty, "so far as it is of value" is the fulfillment of deliberately formed purpose. It is not the following of chance desires.<sup>112</sup> Two conditions are necessary to assure liberty, both moral self-control over chance desires, and external discipline for some desires whose satisfaction would cut across or hinder one's real purpose. "Everyone who has, for example, a general intention to be honest, but is saved from some petty cheating by fear of the shame of detection or by recollection of a legal penalty, is thereby protected in his liberty to pursue his real purpose, and the external discipline has rather increased than diminished his liberty."<sup>113</sup> So in a democratic country, where one is free from coercion in voting, the law may be a means to liberty by preventing me "from impairing my own real and continuing purpose by the gratification of transient desires."<sup>114</sup>

4. Finally, liberty is often identified with self-realization through absorption into the greater whole.

<sup>111</sup> *Ibid.*, 26-27.

<sup>112</sup> The Archbishop of York, "The Divine Source of Liberty," *The Hibbert Journal*, Vol. XXXVI, No. 1, 10.

<sup>113</sup> *Ibid.*, 9.

<sup>114</sup> *Ibid.*, 9.



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"If freedom means, to draw upon one's purest being, highest freedom is to do what the soul of the community commands through it."<sup>115</sup>

"... real freedom is here, as has been said, not the absence of limits, but the creation of a type."<sup>116</sup>

"Serving God, which means identifying our individual good with the good of the whole body of our fellow-men, is the only true freedom."<sup>117</sup> . . . True Liberty is indeed preserved by the very denying of the right of individuals to raise their hands against the State and against God."<sup>118</sup>

"... the nature of human liberty . . . supposes the necessity of obedience to some supreme and eternal law, which is no other than the authority of God, commanding good and forbidding evil. And so far from this most just authority of God over men diminishing, or even destroying their liberty, it protects and perfects it, for the real perfection of all creatures is found in the prosecution and attainment of their respective ends; but the supreme end to which human liberty must aspire is God."<sup>119</sup> . . . the true liberty of human society does not consist in every man doing what he pleases, for this would simply end in turmoil and confusion, and bring on the overthrow of the State; but rather in this, that through the injunctions of the civil law all may more easily conform to the prescriptions of the eternal law. . . ."<sup>120</sup>

<sup>115</sup> Georg Pick, *Die Religion der freien Deutschen* (Berlin, 1937), 327.

<sup>116</sup> Alfred Rosenberg, "Freiheit der Wissenschaft," *Gestaltung der Idee, Reden und Aufsätze von 1933-1935* (Munich, 1936), 210-211.

<sup>117</sup> James S. Barnes, *The Universal Aspects of Fascism* (London, 1929), 121.

<sup>118</sup> *Ibid.*, 123.

<sup>119</sup> Pope Leo XIII, Encyclical Letter *Libertas Praestantissimum*, June 20, 1888. *The Great Encyclical Letters of Pope Leo XIII* (New York, 1908), 143.

<sup>120</sup> *Ibid.*, 142.



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" . . . the profession of one religion is necessary in the State, that religion must be professed which alone is true, and which can be recognized without difficulty, especially in Catholic States. . . . This religion, therefore, the rulers of the State must preserve and protect. . . .<sup>121</sup> Jesus Christ has said that by truth is man made free: *You shall know the truth, and the truth shall make you free*. Therefore there is no reason why genuine liberty should grow indignant, or true science feel aggrieved, at having to bear the just and necessary restraint of laws by which, in the judgment of the Church and of Reason itself, human teaching has to be controlled."<sup>122</sup>

" . . . liberty, as you know, is no one's natural prerogative, but an ideal to be realized, a duty to be performed, the highest conquest to which man can aspire by means of self-abnegation and sacrifice."<sup>123</sup> " . . . freedom can exist only within the State, and the State means authority. But the State is not an entity hovering in the air over the heads of its citizens. It is one with the personality of the citizen. Fascism, indeed, envisages the contrast not as between liberty and authority, but as between a true, a concrete liberty which exists, and an abstract, illusory liberty which cannot exist."<sup>124</sup> "The maximum of liberty always coincides with the maximum strength of the state."<sup>125</sup>

Here liberty means the absorption of the individual into some higher social unity which is felt to be more

<sup>121</sup> *Ibid.*, 150-151.

<sup>122</sup> *Ibid.*, 154-155.

<sup>123</sup> Giovanni Gentile, *Che cosa è il Fascismo* (Florence, 1925), 166.

<sup>124</sup> Giovanni Gentile, "The Philosophic Basis of Fascism," *Foreign Affairs*, January 1928, 303.

<sup>125</sup> Giovanni Gentile, *Che cosa è il Fascismo*, 50.



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real and more worth-while than the individual self, the nation, the state, or the race. Liberty is not merely participation in some chosen cause, or even obedience to law. It is complete self-identification with the total customary and institutional life of a greater whole. It is, for example, the harmonization of all one's interests with state interests, identification of one's will with the national will in all its manifestations, approximation to the racial type within the racial community, obedience to the Divine will mediated through the mores and institutions of the Roman Catholic Church. The individual person is merely a means to the expression of some unity felt to be eternal, who, by losing himself within the whole, will find his freedom. Liberty is then not a condition of activity implying unclosed possibilities of action. It means rather following the single course of action prescribed and sanctioned by the customs and social institutions of a specified social unity. This transference of meaning from a condition of activity to a life of absorption in some larger whole is made on the basis of three assumptions: first, that in realizing one's true nature one is free; second, that one set of principles expresses the true nature of individuals; and third, that some group knows better what those principles are than do the individuals themselves.

Hegel's thought is perhaps as apt an illustration as any. Liberty means to Hegel the finding of one's real self through unity of will with the universal will as embodied in the institutions of the existent Prussian state. For man has two types of will. His actual, natural will



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has a content formed from his irrational and contingent desires and impulses. His true, objective, and concrete will has a rational content formed from the divine will as it manifests itself in the laws and institutions of the existent Prussian state. Freedom lies in the will willing itself, but this self is not what any person may think it is. "The people, in so far as this term signifies a special part of the citizens, does not know what it wills. To know what we will, and further what the absolute will, namely reason, wills, is the fruit of deep knowledge and insight, and is therefore not the property of the people."<sup>126</sup> "They will in fact the real matter, but they hold fast to bits . . ."<sup>127</sup> ". . . the objective will is in itself rational in its very conception, whether or not it be known by the individual or willed as an object of his good pleasure."<sup>128</sup> So "the return of the will into itself"<sup>129</sup> is a return of the will into its real self, as this self is defined by the rational universal will embodied in the laws and institutions of Prussia. The will in thus willing itself remains free and yet wills exactly what the state wants it to.<sup>130</sup>

Liberty is the satisfaction of one's self, in such a way

<sup>126</sup> Hegel, *Philosophy of Right*, translated by S. W. Dyde (London, 1896), Note 301, p. 310.

<sup>127</sup> *Ibid.*, Addition 268, p. 256.

<sup>128</sup> *Ibid.*, Note 258, p. 242.

<sup>129</sup> *Ibid.*, Note 139, p. 134.

<sup>130</sup> Hegel also uses the concept of interest in explaining what he means by the finding of full personal satisfaction and freedom. The universal interest embodied in the common interest of the German state is so fused with man's particular interests, that both they and the universal are sustained and through this harmony the individual finds his freedom. See *Ibid.*, Note 261, p. 251.



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that the interests of the state and God are simultaneously fulfilled. "To say that men permit themselves to be governed contrary to their interests, ends, and intentions is preposterous, since men are not so stupid. It is their need and the inner power of the idea which urge them to this in opposition to their seeming consciousness, and retain them in this relation."<sup>131</sup> The inner power of the idea draws them because it is the spirit or universal will which has distributed to individuals the material of its finite realization in the civic community.<sup>132</sup> Their need compels them because they are aware that the State is their substantive being, that it keeps order, and that it considers their welfare.<sup>133</sup> Having been thus brought into a unity of will, the individual, the state, and God, each simultaneously finds its best interests promoted. "The individual, who from the point of view of his duties is a subject, finds, in fulfilling his civic duties, protection of person and property, satisfaction of his real self, and the consciousness and self-respect implied in his being a member of this whole. Since the citizen discharges his duty as a performance and business for the state, the state is permanently preserved. Viewed from the plane of abstraction, on the other hand, the interest of the universal would be satisfied, if the contracts and business, which it demands of him, are by him fulfilled simply as duties."<sup>134</sup>

The individual thus finds his freedom. "In duty we

<sup>131</sup> *Ibid.*, Addition 281, p. 295.

<sup>132</sup> *Ibid.*, 262, p. 252.

<sup>133</sup> *Ibid.*, Note 289, p. 299.

<sup>134</sup> *Ibid.*, Note 261, p. 251.



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reach the real essence, and gain positive freedom.”<sup>135</sup> Speaking of bravery in the interests of the state Hegel writes: “There is present in it a self-sacrifice, which is yet the existence of freedom. . . . An utter obedience or complete abnegation of one’s own opinion and reasonings, even an absence of one’s own spirit, is coupled with the most intense and comprehensive direct presence of the spirit and of resolution.”<sup>136</sup> So liberty is not found in sporadic or undisciplined acting. It is only found in relation to the unity of the state to which we belong, of which we know ourselves as an element by grace of the universal Spirit. It comes in the sense of oneness with the state. “Wherefore the state is for me forthwith not another, and I in this consciousness am free.”<sup>137</sup>

To Bernard Bosanquet, liberty’s higher meaning, as contrasted with the lower literal meaning, lies in being ourselves. And this self may be something very different from ourselves as we are. For again man is understood as having two distinct wills—the actual, casual, perhaps selfish and short-sighted will of any given moment, and the real or rational will, one “embodied in objects which have power to make a life worth living for the self that wills them.”<sup>138</sup> By nature, being rational, we want to follow our real will and do the thing which makes life most worth-while,<sup>139</sup> so that any system of institutions

<sup>135</sup> *Ibid.*, Addition 149, p. 159.

<sup>136</sup> *Ibid.*, 328, p. 334-335.

<sup>137</sup> *Ibid.*, 268, p. 255.

<sup>138</sup> Bernard Bosanquet, *The Philosophical Theory of the State* (London, 1925), 139.

<sup>139</sup> *Ibid.*, 139.



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which seems to provide for the 'complete life' has "an imperative claim upon our loyalty and obedience as the embodiment of our liberty."<sup>140</sup> Thus, "In the family at its best the will has an object which is real and stable, and which corresponds to a great part of its own possibilities and capacities. In willing this object, it is, relatively speaking, willing itself. We might compare in the same way the mere will to earn our daily bread with the horizon of a great intellectual profession; or the routine of an industry or profession vacantly and formally pursued with the very same routine conscientiously followed in a spirit of enlightenment."<sup>141</sup> So liberty is being our real self, following our real will.

The state is thought of as the highest embodiment of our true self and our real will, for in it alone do "we find at once discipline and expansion, the transfiguration of partial impulses, and something to do and to care for, such as the nature of a human self demands."<sup>142</sup> The state, as by Hegel, is conceived of as a structure including all the institutions by which life is determined,<sup>143</sup> and as a mind which modifies and adjusts them to suit the rational will. It is "our mind reinforced by capacities which are of its own nature, but which supplement its defects."<sup>144</sup> So it is the full expression of ourselves. Only, then, in being what we really will to be, which is what the state wills us to be, do we find freedom.

<sup>140</sup> *Ibid.*, 139.

<sup>141</sup> *Ibid.*, 138-139.

<sup>142</sup> *Ibid.*, 140.

<sup>143</sup> *Ibid.*, 140.

<sup>144</sup> *Ibid.*, 143.



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Miss Follett has written that freedom is "obedience to the law of one's nature."<sup>146</sup> But since our true nature is of the whole, freedom does not consist in choice when an alternative is presented, but in choosing the term in the alternative which the whole commands. This is freedom because the mind can and does blend with other minds into a psychical unity,<sup>146</sup> so that one cannot be dominated by the whole, which one is, nor by "others," because all wills intermingle and transfuse to produce the collective will. "When we are the group in feeling, thought, and will, we are free."<sup>147</sup> "Freedom then is the identifying of the individual will with the whole will—the supreme activity of life."<sup>148</sup> But this whole will is not defined as the will of any particular group. Ideally the 'whole' is the community of all human beings. In fact it may apparently be any one of a number of groups, from the more intimate to the more universal, to which the individual is attached. "When the whole-will has supreme dominion in the heart of man, then there is freedom. The mandate of our real Self is our liberty."<sup>149</sup>

To the Roman Catholic thinker, Jacques Maritain, liberty, as it bears on political philosophy, means "Freedom of autonomy" or "Freedom in fulfillment."<sup>150</sup> Such freedom is "the plenary self-sufficiency of a person who does not depend on any external cause."<sup>151</sup> But the only

<sup>146</sup> M. P. Follett, *The New State* (London, 1920), 70.

<sup>146</sup> *Ibid.*, 77.

<sup>147</sup> *Ibid.*, 70.

<sup>148</sup> *Ibid.*, 70.

<sup>149</sup> *Ibid.*, 69.

<sup>150</sup> Jacques Maritain, *Freedom in the Modern World* (London, 1935), 30.

<sup>151</sup> *Ibid.*, 33.



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way to avoid dependence on external causes is always to choose the good. And sanctity alone insures the choosing of the good. "Thus, it is in sanctity that the perfect freedom of autonomy is found,"<sup>152</sup> and one is more free the more one participates in God through the union of one's love with Him.<sup>153</sup> So freedom is "of its own nature a fruit or outcome, and an end; for it is another name for the perfection of the spirit, and a beginning at any rate of adhesion to the last end."<sup>154</sup> This freedom finds its highest type in the Saint, a perfection which takes the form of supernatural exaltation.<sup>155</sup> Man is given freedom of choice only in order to reach this freedom in fulfillment.<sup>156</sup> The political society or state is to establish such social conditions as will be a positive help to its citizens in the progressive achievement of their freedom of autonomy.<sup>157</sup> A superior jurisdiction, the Church, is to guide human beings to "their full freedom of autonomy"<sup>158</sup> by the communication to them of its own supernatural life "under visible forms or in a manner entirely invisible."<sup>159</sup> "Above the level of civil society man crosses the threshold of supernatural reality and enters a society which is the mystical body of an incarnate God, and whose office is to lead him to his spiritual perfection and to full liberty of autonomy and eternal

<sup>152</sup> *Ibid.*, 34.

<sup>153</sup> *Ibid.*, 34.

<sup>154</sup> *Ibid.*, 34.

<sup>155</sup> *Ibid.*, 44.

<sup>156</sup> *Ibid.*, 34.

<sup>157</sup> *Ibid.*, 43.

<sup>158</sup> *Ibid.*, 43.

<sup>159</sup> *Ibid.*, 45.



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welfare.”<sup>160</sup> In thus finding fulfillment by unity in love with God according to the rules and practices of the Church, the individual achieves freedom. And at the same time he promotes the purposes of God and the Church. Because the individual and Church both share in the common life of God there can be this harmony of fulfillment. Speaking of the Church as Jerusalem, Maritain writes: “For if we think of this Jerusalem as sharing the very life of God which is communicated to it, and every stone as a human member of the City, each stone is for the City; and, if we think of each stone, that is each member, as sharing the very life of God which is communicated to it, and this Jerusalem as the community which unites them, the City is for each stone.”<sup>161</sup> Freedom is participation in the will and love of God as His will and love are communicated to men through the institutions of the Roman Church.

In a recent article by the French writer, Aline Lion, liberty is defined as the assertion of the self in the activity of mind.<sup>162</sup> But there is more than one self. There is your own self, or material self, and that same empirical self *plus* its transcendental complement.<sup>163</sup> This complement is a pervading consciousness of one’s moral duty as a citizen of a state. The modern Italian state “is the consciousness of man as a citizen transcending itself and positing itself in religious objectivity.”<sup>164</sup> So liberty as

<sup>160</sup> *Ibid.*, 51–52.

<sup>161</sup> *Ibid.*, 53.

<sup>162</sup> Aline Lion, “Fascism: What It Believes in and Aims at,” *The Hibbert Journal*, Vol. XXV, No. 2, 210.

<sup>163</sup> *Ibid.*, 225.

<sup>164</sup> *Ibid.*, 227–228.



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the assertion of the true self is the performance of duty to the state.

To the National Socialist party press chief, Otto Dietrich, liberty means to be a creative personality. But personality exists only in and as an element of the community, "als Glied einer Gemeinschaft."<sup>165</sup> And the only community of which Germans can be a part is their racial Volks community.<sup>166</sup> This fact of belonging to community implies that there is present in each personality a consciousness of community which directs the will to the fulfillment of duty. To be thus conscious of and to carry out one's duties according to the laws of the racial community is the only road to creative personality and to freedom.<sup>167</sup> And this performance of duty will simultaneously further the interests of the community. "Whoever possesses this feeling for community and acknowledges his moral obligations is free and feels himself free, for his free activity can never be directed against the rules of the community, but rather goes forward in harmony with them."<sup>168</sup>

To Alfred Rosenberg, in his *Myth of the XXth Century*, liberty means a creative development of the individual's personality. But only one form of personality is truly creative. It is not that of the hybrid and half-breed who vacillates "between shouts of triumph and wails of lamentation, between perverted eroticism and theosophy,

<sup>165</sup> Otto Dietrich, *Die philosophischen Grundlagen des Nationalsozialismus* (Breslau, 1935), 16.

<sup>166</sup> *Ibid.*, 32.

<sup>167</sup> *Ibid.*, 30.

<sup>168</sup> *Ibid.*, 30.



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between rude impiety and ardent and demoniacal ecstasy.”<sup>169</sup> It is rather the personality which is nearest to a type, a Nordic racial type. And this type is both a biological and a psychological one. It implies a common blood, rootage in a common soil, and their derivative, a common racial soul. “To experience the type means the birth of understanding of the myth of our entire history; it means the birth of the Nordic racial soul and the adoption of its supreme value as the guiding star of our whole existence.”<sup>170</sup> And because the longing for personality and for type are essentially the same,<sup>171</sup> real liberty consists in conformity to the racial type. It is a racial style of life.<sup>172</sup> “Real freedom is here, as has been said, not the absence of limits, but the creation of a type. Real freedom is always possible only within the limits of a type.”<sup>173</sup> For Rosenberg it is not a Spirit, or universal will, or God, that harmonizes the development of the individual and the racial group, but the common blood which flows through every member of a racial group fusing them into a unity. And this blood with its accompanying soul is the “eternal racial soul-substance”<sup>174</sup> of which any particular type is the temporary form. So in approaching the type and in fulfilling the commands of the racial soul, an individual finds his full creative

<sup>169</sup> Alfred Rosenberg, *Der Mythos des 20. Jahrhunderts* (Munich, 1936), 449.

<sup>170</sup> *Ibid.*, 531.

<sup>171</sup> *Ibid.*, 529.

<sup>172</sup> *Ibid.*, 531.

<sup>173</sup> Alfred Rosenberg, “Freiheit der Wissenschaft,” *Gestaltung der Idee, Reden und Aufsätze von 1933-1935* (Munich, 1936), 210-211.

<sup>174</sup> Alfred Rosenberg, *Der Mythos des 20. Jahrhunderts*, 531.



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development, his freedom, and simultaneously furthers the growth of the racial group. "Freedom means to be bound by the ties of race . . ." "Freiheit heisst Artgebundenheit. . . ." <sup>175</sup>

In an essay on *Die Freiheit im autoritären Staat* Georg Foerster writes that the only significant liberty is to be creative. To be creative is not to enjoy 'material freedom.' It is to identify one's will with the creative principle of truth, which manifests itself as an objective and moral historical will among people who are biologically and spiritually predestined for it. <sup>176</sup> It is, however, a latent will among such people, until it is brought to full consciousness in the mind of a leader, a Führer. When, in modern Germany, Hitler tells the people what is latent in their will he is merely interpreting what they really will. And he is able to expound and execute this Volkswillen, because he alone wants what history wants and has identified his will with the historical will. <sup>177</sup> Liberty means identifying one's will with the creative will of the racial state ("sein konstituierendes geistiges Prinzip" <sup>178</sup>) as this will is interpreted by Hitler.

To another contemporary German writer liberty means to draw upon one's purest being, to obey one's real I. <sup>179</sup> It does not mean to obey the false I, which is egoistical, deceitful, and abstract, but the real I, the I

<sup>175</sup> *Ibid.*, 111.

<sup>176</sup> Georg Foerster, *Die Freiheit im autoritären Staat* (Potsdam, 1933), 39.

<sup>177</sup> *Ibid.*, 32.

<sup>178</sup> *Ibid.*, 24.

<sup>179</sup> Georg Pick, *Die Religion der freien Deutschen* (Berlin, 1937), 327.



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of the Führer, through which speaks the Volkseele and ultimately God. The I of the Führer "is our I in its purest Form, in him is fulfilled what our personal I only longs for, in him is fulfilled the existence of every German in a particularly blessed Form."<sup>180</sup> The Führer's will is the 'Seele des Volkes' as it speaks through him, and because this same Seele is the real I of every person, unqualified submission to the Führer's authority is an act of highest freedom.<sup>181</sup> It is obedience to our real I. And because God's creative will is the will of the Volkseele, and is the real will of men brought to consciousness in the will of their Führer, obedience to the Führer promotes the ultimate purpose of one's God, of one's Volk, and of oneself. The German Volk is the answer to God's call: "Noch gibt es kein Volk in der Welt, das ein Körper und eine Seele wäre, so dass ich wohnen könnte in ihm, wie ich in dieser Tanne wohne oder in dieser Dahlie."<sup>182</sup>

For Gentile, the modern Italian philosopher, liberty is something to be won. It is the finding of one's true self. But for him also there is both a true self and an illusory being. The true self wills and must will according to that which is in the deepest parts of its consciousness. And that which lies deepest is the common will of the state "as organized and made manifest by its central organs."<sup>183</sup> For the will of the state expresses the true

<sup>180</sup> *Ibid.*, 327.

<sup>181</sup> *Ibid.*, 327.

<sup>182</sup> *Ibid.*, 255.

<sup>183</sup> Giovanni Gentile, *Che cosa è il Fascismo*, 34. Gentile, as Hegel, refers to the common interest of the state vs. the particular interest of the individual. Freedom thus lies in the merging of particular interests in the higher common interest.



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self of individuals. It robs the self of its accidental differences, removes it from its preoccupation with particular interests and its tendency to ignore the indissoluble ties which bind it to society. The state is a person, with a consciousness indwelling in the consciousness of its citizens. It is the ethical substance of every real individual will. "Its meaning will be transparent, if each of you will appeal to his own consciousness and feel the sacredness of the country which commands you to serve it, by indisputable orders, without hesitation, without exception, even unto death."<sup>184</sup> Hence the individual finds his true self by losing his illusory being in a consciousness of action based on the will of the state. And thereby he assures the security of the state and finds his freedom. "Liberty is to be sure the supreme end and rule of every human life; but in so far as individual and social education bring about its realization, actualizing this common will in the individual, it manifests itself as law and hence as state."<sup>185</sup>

All this variety in the significance of liberty must give us a feeling of its elusive nature, and an understanding of the diverse patterns of deviation from its literal meaning. We have seen that when liberty is used apart from a specific context it has come to mean a condition of activity other than itself: the presence of means to act, a particular institutional arrangement, or a principle for the distribution of rights and duties. It has also come

<sup>184</sup> *Ibid.*, 35.

<sup>185</sup> *Ibid.*, 50.



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to mean a mode of living: being one's individual self, being one's good self, law-abidingness, or absorption into some greater social whole.

The important thing to note here is that these different meanings are far more than mere definitions of a term. They are propositions about the meaning of an experience which comes to all men at some time, the experience of being free. Moreover, they are propositions which, when accepted and acted upon by groups in political life, have certain definite consequences. We now face the task of studying both the validity of these propositions and the effect of their acceptance upon political thought and practice.



## CHAPTER III

### *The First Disguise Exposed*

SUCH IDEAS OF LIBERTY AS WE HAVE CONSIDERED IN THE previous chapter have proved effective in moving men to action. They have been useful in rallying adherents to Democratic, Communist, Socialist, Republican, and Fascist parties. They have aroused war and revolution. But this value as a political device does not of itself indicate accuracy in the description of liberty.

Any claim that liberty, for example, is the presence of economic power to act implies that liberty is not simply absence of restraint, but is a positive condition, the presence of means, or both the presence of means and the absence of restraint. To discover the condition of freedom one examines not merely what persons are outwardly permitted to do, but what as a matter of fact they can do. In the words of John Dewey: "If one wants to know what the condition of liberty is at a given time, one has to examine what persons *can* do and what they *cannot* do."<sup>1</sup>

<sup>1</sup> John Dewey, "Liberty and Social Control," *The Social Frontier*, November, 1935, 41.



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What a person can do at any time depends on two distinct conditions.<sup>2</sup> One is the appropriate conjuncture of means for doing a particular thing. Appropriateness is relative to the act purposed. If one wishes to own a home it implies the possession of money to purchase a home and the existence of homesteads at a price one can afford. If one wants to feed one's family three meals a day it implies money to purchase supplies and food on the market at a price within one's income. A second condition is an absence of restraint upon the use of the means at hand. A man must not be stopped from investing his money in a home or in three meals a day either indirectly by being deprived of his money, or directly by being stopped from using it or by being forced to use it for other purposes. Austrian Jews can accomplish few of their aims under a law which empowers the German government to employ their property (exceeding 5,000 marks) for whatever the government decrees. What a man wants to do cannot be done if others adversely determine the use to which his means are put.

The statement that liberty is economic power to act arises, therefore, only when the term liberty, which literally applies to the second condition, is used to apply to the first or to include both. So to give a man opportunity or power to do something is to give him freedom. If a man cannot afford to resort to the London Tavern, to provide him with pocket money is to increase his freedom. If a Russian peasant is starving, the gift of a

<sup>2</sup> We speak here only of the outer conditions of activity which are subject to human control.



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ration card ensuring him power to buy bread enlarges his liberty. To increase the means for acting is to increase liberty.

The provision of means or powers thus becomes part of the method of dealing with the problem of liberty. An English spokesman for Stalin writes: "An essential part of the communist and socialist conception of liberty is, then, the positive provision for the entire population of effective opportunity to work, to earn, and so to live, and also to improve and develop themselves by study, and to enjoy themselves. Until this has been done, liberty will remain for the greater part of men an aspiration, glorious but insubstantial."<sup>3</sup> Many Fascist leaders have apparently believed that the provision of means to act will solve the problem of liberty. The English Fascist, Oswald Mosley, calls the essence of liberty "a reasonable standard of life, a decent house, good wages, reasonable hours of leisure after hours of work short enough not to leave a man exhausted. . . . How many possess this liberty today? How can the mass possess such freedom in a period of economic chaos? . . . *The beginning of liberty is the end of economic chaos.*"<sup>4</sup>

But the question remains: might not freedom be merely an aspiration even after these positive conditions had been provided? For one can have at hand the means to do something and not be free to do it. It does not inevitably follow from the presence of resources that

<sup>3</sup> John Strachey, *The Theory and Practice of Socialism* (London, 1936), 202.

<sup>4</sup> Oswald Mosley, *The Greater Britain* (London, 1934), 29-30.



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one is free to use those resources according to one's inclinations. The Russian government provides means for men engaged in scientific research, laboratories, apparatus, experimental material, and books, but when a scientist engaged on chemical experiments in the manufacture of cloth is forced against his will to use his laboratory and apparatus to invent more potent explosives he is not free. The Nazi Minister of Culture provides professors of anthropology with offices, collections of museum data, and students to teach, but these opportunities may be used only in presenting the racial anthropology of the 'New Germany.' The same situation obtains in regard to the provision by the state of good wages, hours of leisure after work, or opportunity to study. Non-state organizations may absorb one's wages against one's will, fill one's leisure time with compulsory activities, or determine the subjects which one has to study. In so far as a man can use the means he has at hand in the way in which he wants, he is free. In so far as the government or some other group, against his will, deprives him of means he might otherwise have employed as a way of prohibiting his activity, or restricts the alternatives for which those means he possesses can be used, he is not free.

The provision of resources by a political or economic group is no guarantee of the solution of the problem of liberty. Many Russian peasants have discovered this. William H. Chamberlin tells of a peasant who remarked to him: "After the Revolution there was more freedom; I got land." Chamberlin goes on to say that



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the attitude of these peasants changed after the more radical agrarian policy of the winter of 1927-1928. "To the peasant the pressure exerted to make him sell his grain at low fixed prices seems quite as definite an infringement of liberty as the extortion of high rent by the grasping landlord of pre-revolutionary days."<sup>5</sup> The gist of the matter is that the provision of means to act may be accompanied by a prescription for their use. This fact is ignored by the Webbs in their now famous prediction that as the U.S.S.R. becomes the wealthiest country in the world it will at the same time become the "community enjoying the greatest aggregate of individual freedoms."<sup>6</sup> The present trend of Russian development, where a powerful group, threatened from within by conspiracy and from without by attack, increasingly compels individuals to use their means in the interest of the state, belies this pleasant prospect.

If one can have the means at hand to do something and not be free to do it, it follows that in adding to a person's means one has not *necessarily* enlarged his liberty. What one has indubitably done is to increase the potential scope of his demand for liberties. We saw in our first chapter that a demand for liberty or a protest over the loss of some cherished freedom arose only when an individual wanted to do something and had at hand the means to do it but was restrained from using these means as he desired or was compelled to use them in a

<sup>5</sup> William H. Chamberlin, *Soviet Russia* (Boston, 1935), 398.

<sup>6</sup> Sidney and Beatrice Webb, *Soviet Communism: A New Civilisation?* (New York, 1936), Vol. II, 1037.



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way he did not wish. To provide a man with the appropriate means to do something is to enlarge the area of experience where a man may feel restrained. For he has thus been provided with means whose disposal or use may be dictated by others more powerful than himself.

We are not implying that the provision of opportunities is unimportant, or that the socialist effort, for example, to maximize opportunity for all individuals in the community is negligible. That issue we discuss later. We do mean that the problem lies deeper than the writers imagine who think they have given men liberty by furnishing them means. The use of a term which literally describes one condition, to refer to another, or its use to describe two conditions simultaneously, results inevitably in ignoring the nature of their relationship. The problem remains to find some adequate relation between the provision of certain resources or powers and the securing of certain liberties. When Sir Bampfylde Fuller argued in favor of the continuance of the British Raj in India by saying that "it is a greater thing to be fed regularly than to be free"<sup>7</sup> he was at least aware that the problem is one of relating two distinct conditions of activity. To call incurably blind the wealthy intellectual who fails to realize that "freedom is as much the presence of opportunity as the absence of restraint,"<sup>8</sup> is unsound. Equally unsound is

<sup>7</sup> Cited in Leonard Woolf, *After the Deluge* (New York, 1931), Vol. I, 331.

<sup>8</sup> Sidney and Beatrice Webb, *Soviet Communism: A New Civilisation?* (New York, 1936), Vol. II, 1037.



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the claim that you "are free to do what you have power to do,"<sup>9</sup> or the statement that "in our civilization it is money—enough of it—that makes freedom."<sup>10</sup> One's opportunities, power, or money have a great deal to do with what one actually accomplishes, for what one *can do* depends as much on the presence of means as on the absence of restraint. But freedom itself consists in not being prevented from doing what one already has the means at hand to do.

The claim that liberty is an institutional arrangement, a particular governmental or economic order, usually results from inferences made on the basis of an entirely sound definition. Liberty may be defined as essentially an absence of restraint, but writers are on dangerous ground if they go on to infer that there is a system of liberty under which freedom will necessarily exist and "in which the free development of each is the condition for the free development of all."<sup>11</sup> In so far as this inference is made, the problem of liberty is resolved through the creation and preservation of an institutional arrangement. For some the trick is turned with the coming of democracy or with a system of privately owned property. For others it awaits an anarchist or communist society or a scheme of collectively owned property. But in every case the problem is settled by the

<sup>9</sup> Everett D. Martin, *Liberty* (New York, 1930), 270.

<sup>10</sup> Stephen Spender, *Forward from Liberalism* (New York, 1937), 52.

<sup>11</sup> Karl Marx and Friedrich Engels, *Communist Manifesto* (New York, 1919), 40.



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establishment of a set of institutions which will assure a system of liberty.

The difficulty with this position roots in the inference that there can be a system which automatically sustains freedom. The fact is that there are many kinds of liberties, some of which conflict, and conflicting liberties cannot exist together. Liberty for workers to organize unions and engage in collective bargaining conflicts with the liberty of employers to dominate the conditions of employment without the intervention of labor unions. It is impossible for two such liberties to coexist. Freedom for a minority to overthrow democratic institutions may be incompatible with freedom for a majority to live under democratic institutions. Decisions must inevitably be made between such liberties—either by the course of events or by the judgment of a third party. If any action is to be taken—and the very processes of life involve action—either the freedom of the revolutionary or the freedom of the majority of citizens must be denied. “The shepherd drives the wolf from the sheep’s throat, for which the sheep thanks the shepherd as his liberator, while the wolf denounces him for the same act, as the destroyer of liberty.”<sup>12</sup> What purports to be a system of liberty for all can be no other than a system of partial liberties and partial restraints. It will be a scheme of some liberties and not others, of liberties for certain people and not for others.

<sup>12</sup> Abraham Lincoln, “Address at a Sanitary Fair in Baltimore, April 18, 1864,” *Complete Works* (New York, 1894), Vol. II, 513.



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Hence it follows that one cannot identify freedom with one institutional system as compared with another. Any institutional arrangement inevitably sustains some liberties and abridges others. It makes it possible for some people to do as they like and by so doing deprives others of choices they desire. Democracy, for example, gives one type of liberty to a large number of people. Within a democracy a great majority may freely register their opinion on the policy of the government under which they live. They are free to state what they want enacted into law. While to many this is a very important liberty, it is no guarantee against the enactment of laws by a majority depriving large numbers of citizens of what they prize as important freedoms. While full scope to voice one's opinion and to criticize may be an aid to other liberties, it does not assure them. Many democratic forms of government have contributed in two ways to the preservation of liberties generally agreed upon as desirable. A Constitution may forbid the legislature to pass laws abridging certain rights, and a judiciary independent of the executive department may serve as a court of appeal when these rights are threatened. But under gusts of popular passion a Bill of Rights may disappear along with the impartiality of the court. Or as Santayana has said: "English liberty seems servitude to some people because it requires them to cooperate, to submit to the majority, and to grow like them."<sup>13</sup> Under

<sup>13</sup> George Santayana, *Character and Opinion in the United States* (New York, 1921), 225.



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any particular democratic system some aspects of the system will be favorable to certain liberties, and others will be less favorable. In the United States the lack of class rigidities and the prevalence of opportunities for education favor certain liberties. The concentration of wealth and the lack of effective labor organization in some areas of industry are unfavorable to others. The democratic form of government does not provide freedom in a lump.

An anarchist or communist society might provide an absence of all political restraints and so provide freedom from the compulsion of an instituted government. But it does not follow that there would be a system of liberty "in which the free development of each is the condition for the free development of all." For as long as human interests continue to conflict the liberties to pursue these interests will be incompatible. If men do not have the instrument of government through which to gain their ends they can effectively pursue them with economic or religious power. An anarchist or communist system might make it possible for men to be free from traditional political restraints, but under any such system some people would have scope to do what they desire and some would be restrained by non-political coercions.

The institution of private property sustains one type of liberty for many. All will have the right to *own* property in at least one or two of its various forms. Some will own personal possessions and payments made for personal services. Others will have land and tools, profits



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of luck and good fortune, monopoly profits, royalties, or interest on investments. But no system of private property guarantees each man the right to own what he would like to own, nor freedom to use his property as he wants, nor does it guarantee that the liberty of one group may not deprive another group of liberty. The free play of economic forces, even with safeguards to prevent abuses, is a two-sided matter. It is not a system of liberty for all. It takes away some liberties and gives others.

The institution of collectively owned property sponsors only the freedom of those who want to own property in common with others. It abridges the liberties of those who wish to own some form of private property and who wish to use that property in ways not permitted by the coördinated plan. It may provide wide opportunities for many men, but like any economic system, it will give some liberties and remove others.

Some writers have held that liberty means essentially a presence of opportunity. They then infer that there can be a system of opportunity which is identical with a system of liberty. In this case both the original definition of liberty and the inference drawn from it are unsound. Opportunities, like liberties, conflict, some incompatible with others. Where one country has the opportunity of monopolizing helium gas another country has no opportunity of constructing non-inflammable dirigibles. A system of opportunity is in fact a system which, while increasing the sum total of opportunities takes away some opportunities from some men. In any case it would not



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follow that a system of opportunity was identifiable with a system of liberty.

The problem of liberty should never be artificially limited to the creation of one institutional system. Those who tie it to some particular set of institutions deny its essential complexity. C. E. M. Joad puts the matter improperly when he says, "Under a dictatorship liberty disappears."<sup>14</sup> Hamilton Fish Armstrong states the issue poorly when he writes of life under dictatorship. "There, not some freedom, but none—nothing but obeisance, body, mind, and soul, before the iron will and upstretched arm of a restless, infallible master."<sup>15</sup> Herbert Hoover likewise puts the matter badly when in referring to the Russian state he says: "Liberty is dead."<sup>16</sup> No, the most tyrannical governments are free governments to that portion of the people who voluntarily support them. Modern dictatorships provide some of their citizens with liberties that are cherished. While for years the Emperor was nominally omnipotent in China the individual had a large degree of freedom. In any social order some desired liberties will be sustained while others will be denied.

In using the phrase 'a system of liberty' or its equivalents, 'true liberty,' and 'real liberty,' many writers do not mean to imply that there is such a thing as a system sustaining freedom for all. They are not thinking of institutions which guarantee to everyone the liberties he

<sup>14</sup> C. E. M. Joad, *Liberty To-day* (New York, 1934), 35.

<sup>15</sup> H. F. Armstrong, "*We or They*" (New York, 1937), 3.

<sup>16</sup> Herbert Hoover, *The Challenge to Liberty* (New York, 1934), 64.



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wants. They have in mind those which assure certain liberties regarded as more important than others. When Herbert Hoover says, "I believe in the American System of Liberty," he is declaring his faith in the liberties believed to be assured by American political and social institutions. This is also behind his statement: "Ever since the woof of our form of government was woven into the warp of Liberty at the Revolution we have been unceasing in our development of that Liberty until we have made an American System, rooted into our soil, ingrained into our lives."<sup>17</sup> When men tell us that we may have to fight for liberty, "for the preservation of democracy which means preservation of our liberty," they mean we may have to fight for a system securing what they believe are the significant freedoms. When Philip Snowden said, "Only under Socialism will true liberty be possible,"<sup>18</sup> he did not believe that socialism would sustain the liberties of everyone. He had just finished saying: "The restriction of the liberty of the individual to exploit his fellows, the abolition of an idle class living on the labour of others, are aimed at by Socialism."<sup>19</sup> Philip Snowden meant that only a socialist state would sponsor important liberties.

One may quite justifiably speak of a system of liberty under some particular form of government, if by that is meant a system sponsoring certain liberties regarded as more fundamental than others. One cannot, how-

<sup>17</sup> *Ibid.*, 23.

<sup>18</sup> Philip Snowden, *Socialism and Syndicalism* (London, 1914), 177.

<sup>19</sup> *Ibid.*, 176.



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ever, assume that institutions assure these liberties. Institutions may make them possible or sponsor them, but they do not guarantee them. Institutions are merely instruments which men manipulate. In time of war democratic authorities have violated with impunity liberties of speech, press, assemblage, and petition. In 1938 the English Minister for Co-ordination of Defence declared: "There is certain to be, in the event of war, a competent authority who will allocate, according to age and capacity of each person, a suitable position for that person to occupy. And nobody can escape from the obligation that will be placed on him in these circumstances by choosing a position in peacetime."<sup>20</sup>

Even in peacetime democratic governments have stood by while negroes were lynched, freedom of speech was denied, and the revolutionary press was suppressed. In supporting democratic institutions one does not support a system which assures the important liberties to which its adherents give lip service. One defends a system which on the whole sponsors them. The problem of liberty has never been settled by the creation or preservation of institutions to guarantee desired liberties. Somehow, even those liberties are never quite secured. The problem involves continuously supporting those institutions and methods which make fundamental liberties more or less possible.

There is a consistent pattern in the jugglery of defini-

<sup>20</sup> *The New York Times*, May 31, 1938.



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tions by which liberty comes to be identified with some principle, such as equality or justice, which governs the distribution of rights and obligations in society. Liberty is defined either as the absence of restraint or as the presence of means or powers; then freedom to do some particular thing is identified with Liberty. Equality, equality of opportunity, justice, or security, is also defined as essentially the absence of restraint or the presence of means, and equality in one area of experience, a certain kind of justice, or a specific form of security is identified respectively with Equality, Justice, and Security. Finally, the two terms, Liberty and another thus defined in approximately the same way, are brought into association. The stage is thus set for the identification of liberty with a principle other than itself.

One assumption in this form of argument needs preliminary study, the identification of a particular kind of liberty with Liberty. John Milton identified liberty with the rights of Englishmen: "I . . . was particularly selected by the deliverers of our country, and by the general suffrage of the public, openly to vindicate the rights of the English nation, and consequently of liberty itself."<sup>21</sup> Liberty thus becomes limited in meaning to a single liberty or to a group of liberties, the liberty to live and realize personality (Leighton), the liberties which are desired by the poor and underprivileged (Laski), such civil rights as freedom of belief, speech, and associa-

<sup>21</sup> John Milton, "The Second Defence of the People of England against an Anonymous Libel," *The Prose Works of John Milton* (London, 1889), Vol. I, 216.



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tion (Miller), or freedom of private transactions (Lippmann).

It is one thing to pass judgment on the relative importance of various liberties. The more careful try to do this. So Joseph Leighton speaks of 'worth-while freedom' as over against 'specious liberty.' Thus to distinguish between important and less important liberties is a necessary task. As we have seen, if a group is to act at all it must close some alternatives of action for certain people and open others, and the question as to where people will have their own way and where they will be controlled by others, is one of the most fundamental of political problems. To claim, however, that certain important liberties *are* Liberty is another matter. So Joseph Leighton identifies his 'worth-while freedom' with Freedom. Liberty is then a liberty or group of liberties which can be singled out and set apart. Liberties of certain people or liberties in a certain area of experience are Liberty. Unimportant and less valuable ones are somehow no longer liberties. They must find a more appropriate name.

In this dilemma the term license has offered hope of escape. A former Fascist Minister of Education, Belluzo, identified liberty with the liberties secured to Italians under Italian Fascism: ". . . the liberty to work, to produce, to act within the orbit of the institutions, the liberty to respect all the laws of the state, to feel one's self within the state and for the state, to coöperate in order to strengthen it, the liberty to respect and love the fatherland, and to make it great with one's own acts."



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The liberties sustained in Italy under pre-Fascist regimes were then "not liberty but dangerous license."<sup>22</sup> Leo XIII identified liberty with freedom to live according to the dictates of eternal law interpreted by the Roman Church. In speaking of the Liberals, who call themselves free when exonerated from obedience to the Catholic interpretation, he says that they "substitute for true liberty what is sheer and most foolish license."<sup>23</sup> "Under the guise of liberty," they have introduced "a boundless license."<sup>24</sup> But license connotes merely certain liberties which are deemed dangerous. They are still liberties. If one limits liberty to particular freedoms in one area of experience, there still remain freedoms cherished by other people in other realms of activity. Certain economic liberties, for example, are no less real than civil liberties, even though to some they may be less desirable.

Liberty has no meaning apart from particular liberties under particular circumstances. As Benedetto Croce said, "Liberty in the singular exists only in liberties in the plural."<sup>25</sup> There is no justification, however, for limiting freedom to a set of particular applications. The practical results of such an identification are exemplified in the policies of Mayor Hague of Jersey City. Mayor

<sup>22</sup> *Il Giornale d'Italia*, March 22, 1929, cited in Maurice Parmelee, *Bolshevism, Fascism, and the Liberal Democratic State* (New York, 1934), footnote, 362-363.

<sup>23</sup> Pope Leo XIII, Encyclical Letter *Libertas Praestantissimum*, June 20, 1888, *The Great Encyclical Letters of Pope Leo XIII*, 145.

<sup>24</sup> *Ibid.*, 158.

<sup>25</sup> Benedetto Croce, *History of Europe in the Nineteenth Century* (New York, 1933), 12-13.



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Hague identifies liberty with the liberties of those who are "absolutely good Americans, true Americans." So in defending himself against the charge of having deprived C. I. O. organizers of the right to speak freely he said: "I think the Reds have no right to express their views in Jersey City if their intention is the overthrow of our government and the destruction of our American government—no, they have no right because they are not American citizens and they are undesirables and they should be driven out of this country, not alone the city."<sup>26</sup> "This question of free speech, Counselor, is not involved in this controversy. I want you to know that."<sup>27</sup> Because Mayor Hague believes that the liberties of 'Reds' are dangerous, they are no longer liberties. He denies that liberty of speech is involved in preventing 'Communists' from speaking as they wish. He would doubtless regard such speaking as license.

Liberty, however, applies to the freedom of anyone to do anything. It refers as appropriately to the rights of the Paleolithic man and the Communist as to the liberties of American Legionnaires. No matter how sincere supporters of a cause may be in claiming that their efforts are in behalf of Liberty, one can be sure that their efforts are in behalf of what *they* think are the important liberties.

This criticism applies not only to the identification of particular liberties with Liberty. It holds also of any

<sup>26</sup> Record of Mayor Frank Hague's testimony in Newark, *The New York Times*, June 15, 1938.

<sup>27</sup> *Ibid.*, June 11, 1938.



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identification of a specific manifestation of some principle with the principle itself. Such ideas as equality, security, or justice have no meaning without reference to particular forms of equality, security, or justice for specific groups of people. Equality may refer to equality of opportunity or to equality of income, to equality before the law or to equality in economic goods, and the establishment of equality in one of these spheres of life is no guarantee of its realization in another. Where men have established equality of opportunity they have been faced with the growth of unequal incomes because of men's differing abilities. The maintenance of relative equality before the law in Western nations has been accompanied by an unequal distribution of economic goods. Inequality in some areas of experience is even essential to equality in others. Inequality of political power is a condition of equality in any form of economic power, for it is the condition of effective action to protect some men's possessions against abuse by other men. Moreover, any form of equality usually applies to a limited group of men. A condition of equality for some is not commonly a condition of equality for all. Equality of opportunity for Russian workers to go on vacations is not equality for American workers. Equality before the law for the German Aryan coexists with inequality before the law for the Jew. The diversity and limited range of the manifestations of equality make it unsound to claim an identity between it and any one of its particular forms.

Confusions of particular liberties with Liberty and of



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particular manifestations of a principle with the principle itself, thus open the way for the identification of liberty with some principle, such as equality. The stage, however, is fully set for this only when the definitions of liberty and of equality have been so juggled that both refer to approximately the same condition of activity. An extreme example of such sleight-of-hand is provided by John Dewey when he says: "If freedom is combined with a reasonable amount of equality and security is taken to mean cultural and moral security and also material safety, I do not think that security is compatible with anything but freedom."<sup>28</sup> After redefining two concepts so that they mean approximately the same condition of activity he assures us that the two are compatible. There is no end to such legerdemain. Some of the most familiar examples invite careful analysis.

The identification of liberty and equality may arise when equality is defined as primarily an absence of barriers and exclusions. With liberty defined as essentially an absence of restraint, "liberty is unattainable until the passion for equality has been satisfied."<sup>29</sup> But a basic difficulty confronts this definition of equality. For equality is a condition of activity in which a group of people have an equal amount of some good. There may be equality of political power, economic possessions, or opportunities for education. In each case equality implies the maintenance of an equal distribution of some good

<sup>28</sup> John Dewey, *The New Republic*, April 28, 1937, 351.

<sup>29</sup> Harold J. Laski, "Liberty," *Encyclopaedia of the Social Sciences*, Vol. IX, 446.



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among a number of people. If this is so, the condition of equality in any sphere of experience depends upon a system of control. In any society that we can imagine equality would require restraints of some sort to maintain the equal ratio against men who sought to break it up. Harold Laski misstates the problem when he says that without equality there cannot be freedom. Without certain forms of equality some men will lack the means to do as they want, but with certain forms of equality some men will be restrained from doing as they want.

Nor does the compulsion required to bring about a condition of equality in any area of experience necessarily increase liberty. Every step we take towards the equalization of privileges is not, as Harold Laski might like to believe, a step towards freedom. It is a step which deprives many people of their liberties. It may be true that the benefits derived from such a step far outweigh the value of the liberties which have to be given up in taking it, or it is possible that the liberties which survive the compulsion required to maintain an equality of privilege are the really important liberties, but the fact remains that a condition of equal privilege will be a condition of some liberties and not others. One cannot justifiably talk of what Laski calls a condition of "equality in freedom."<sup>30</sup> Such a condition would be one of equality in some area of life with liberties for some people and restraints for others.

While it is unsound to argue for a condition of equal-

<sup>30</sup> Harold J. Laski, "Freedom in Danger," *The Literary Guide*, January, 1934.



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ity on the grounds that it is identical with a condition of liberty or that it creates liberty, it is just as unsound to go to the extreme typified by the famous phrase of Lord Acton, "the passion for equality made vain the hope of freedom."<sup>31</sup> Equality of opportunity for all to have medical care may still leave men unimpaired to express themselves in art, music, and politics. With the introduction of equality in any sphere of experience only certain people will be deprived of specific liberties. And it may well be that a loss of those liberties is justifiable for the sake of a provision of opportunities for a large number of people. During the World War the British government felt justified in providing equal opportunity for all to buy sugar. The enforced use of a ration card deprived all persons of great means of their liberty to buy as much sugar as they wanted, while it gave opportunity to many less well-off to purchase sugar they could not otherwise have had. The greater equalization of opportunities to take annual holidays in Russia is at the expense of the liberty of those who used to treat themselves to extended and expensive vacations. The granting to Russian women, equally with men, of opportunity to work, rest, receive an education, and to participate in social insurance was judged more important than the liberties of those who sought to discriminate against women. One must choose between equality in certain spheres of life and specific liberties for particular people. This will remain true as long as a condition of equality depends in

<sup>31</sup> John E. E. D. Acton, *The History of Freedom and Other Essays* (London, 1909), 57.



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part on a system of restraints. But this does not make the problem one of *Liberty vs. Equality*, as the title of a recent book puts it.<sup>32</sup> The problem cannot be stated: "If you have more equality, you will have less liberty."<sup>33</sup> While entailing the restriction of some liberties, more equality in certain conditions of activity may *prepare the way* for more liberties for many people. The problem is to decide between the benefits accruing from the presence of an equal distribution of some good and the benefits derived from particular liberties in the possession of certain people.

In any society one must choose between certain liberties and certain other goods. All liberties are not necessarily important. Men's belief that all liberties are absolutely valuable is a curious phenomenon. So Robert Ingersoll wrote: "Wait until the world is free before you write a creed. In this creed there will be but one word—liberty."<sup>34</sup> Liberties form only one of many valuable conditions of activity, and they must be weighed in relation to other goods. This holds not only of the choice between certain liberties and conditions of equality. It holds also of the choice between liberties of particular people and conditions of security, order, or justice. From whatever angle one looks at security, justice, or order such a condition depends upon a system of controls which will inevitably restrain the liberties of some people. This issue cannot be dodged by the assumption that

<sup>32</sup> William F. Russell, *Liberty vs. Equality* (New York, 1936).

<sup>33</sup> *Ibid.*, 14.

<sup>34</sup> Robert G. Ingersoll, *Works* (New York, 1933), Vol. I, 398.



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liberty is security on the ground that it is a "compound of economic goods as well as civil rights," or a "superior coördination of collective forces which guarantee security." In providing either economic goods for all, or guaranteeing security through collective force, restraints will be put upon the liberties of those who seek more than their share of economic goods or who desire security on a conflicting basis. Nor can the issue be dodged by the assumption that liberty is order. Following the Fascist outbreak in France of February 6, 1934, a group of young men representing Socialist, Radical, Agrarian, and Patriotic groups worked out a program of governmental reform which was to set up "liberty by order."<sup>35</sup> The program included a hierarchical economic organization grouping producers into compulsory corporations. Though this plan might well have meant a condition of order it would not have been a condition of liberty for all producers. Any condition of order will be a condition of liberties for some activities and restraints on others. Just as men have had economic security and have been slaves, men have lived under conditions of order which were also conditions of servitude. Nor can the issue be escaped by defining liberty as justice. Any institutionalized system of justice requires the presence of restraints. While the preservation of certain liberties may be one element in the pattern of justice, such preservation depends to a large extent upon the clever manipulation of restraints on other liberties.

<sup>35</sup> Cited in Maurice Thorez, *France To-day and the People's Front* (New York, 1936), 233.



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The pith of the matter is that the identification of a condition of liberty with any one of these other conditions of activity is a matter of degree. This is also true of propositions which identify liberty with an institutional system. As Charles Beard has said, "The issue is, and always has been, one of degree, not of absolutes."<sup>86</sup> If a particular condition of justice or security is a future hope the degree to which it will encourage certain freedoms will be largely a matter of faith. If it is claimed that some condition of equality or of order now exists, the degree to which it favors certain liberties can be more accurately ascertained. In any case a solution of the problem of liberty is not found merely by seeking a form of society which sustains some other good, but always lies in discovering an adequate relation between the presence of certain goods and the absence of certain restraints.

Propositions, therefore, that liberty is an outer condition of activity other than the absence of restraint are denied by experience. On the one hand they fail to take full account of the fact that a condition of liberty is always a condition of certain liberties and not others. On the other hand they do not adequately distinguish between a condition of liberty and a condition of some other good. An acceptance of such propositions results in confusing the problem involved in relating different liberties to each other and in relating liberties to other goods.

<sup>86</sup> Charles Beard, *The New Republic*, May 12, 1937, 14.



## CHAPTER IV

### *The Second Disguise Exposed*

THERE IS NO DOUBT THAT MANY MEN HAVE FELT FREE IN living in any one of the ways described as liberty; in being their individual selves, in being their good selves, in abiding by law, or in absorbing themselves into some greater social whole. Feeling free is an inner state of consciousness experienced by men under widely differing circumstances. It depends on at least two general conditions.

One is the unrestrained possibility in the outer environment of doing as one wishes. Several alternatives of action may exist, or there may be only one course of action, but as long as *a* possibility remains to live the kind of life an individual desires, he may feel free. *Feeling* free depends on the outer condition of *being* free in at least the particular area one is interested in.

A second condition is an awareness of what one wants to do and the ability to coördinate internal factors so as to do it. Where some impulse or interest seems to thwart one's efforts, impede one's energies and hold one back, one feels unfree. So as Miss Follett says: ". . . most of us, even while loudly claiming our freedom,



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have felt bound . . . we have considered ourselves bound in thousands of ways—by tradition, by religion, by natural law—by inertia and ignorance, etc., etc. . . .”<sup>1</sup> Thus a single habit or a particular fear may be a hindrance to doing what one would otherwise be able to do. When a habit becomes established, to defy it involves a division of will and a struggle as with some external oppressor. In the process of conquering addiction to a drug, a man first wants the drug and then wishes to be free from it. During these latter periods he feels hindered by the habit from doing what he wishes. At one moment he longs to break the habit; at another, driven to do what he has decided not to do, he longs to continue the habit. Feeling free depends on an inner condition, the unity of an internally unimpeded will. “When the mind does what, as a whole, it wills, as Plato implies, it feels free.”<sup>2</sup>

If men are not restrained from without in acting as they wish, they *may* feel free. In turning their minds and emotions upon ends beyond themselves and in relating themselves to values and causes which they believe worth-while they tend to achieve unity of will. With an awareness of purpose entering life, the elements of personality are organized according to the requirements of that purpose. Men’s powers are expanded and their actions released. Having discovered something worth-while doing, they are liberated from the tensions of a divided

<sup>1</sup> M. P. Follett, *The New State* (London, 1920), 71.

<sup>2</sup> Bernard Bosanquet, *The Philosophical Theory of the State* (London, 1925), 132.



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mind. They feel free. It is the familiar experience expressed in the hymn—

“My heart is weak and poor  
Until it master find:  
It has no spring of action sure—  
It varies with the wind:  
It cannot freely move  
Till thou hast wrought its chain;  
Enslave it with thy matchless love,  
And deathless it shall reign.”<sup>3</sup>

The writers who call liberty a way of life either themselves felt liberated in pursuing a particular manner of living or observed that others living in a certain way became emancipated personalities. But Adam Müller says not only that in being one's individual self one feels free; he says one is free. Epictetus, Rousseau, and Gentile say not only that in following one's good will and one's true nature one feels liberated; they say one has liberty. They have equated the inner experience of feeling free with the condition of being free. Such phrases are frequent: “if we want an example of what it means to be free, what it feels like in experience, as it were . . .”<sup>4</sup>

Most of the writers who thus call liberty an inner mode of being are apparently unaware of a necessary distinction between feeling free and being free. In John Macmurray's *Freedom in the Modern World*, for example,

<sup>3</sup> George Matheson, cited in *The Association Hymnal* (New York, 1924), 73.

<sup>4</sup> John Macmurray, *Freedom in the Modern World*, 169-170.



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being free is defined in two ways. He writes: "Human freedom is the . . . ability to live spontaneously (that is, from themselves) in terms of the other (that is, for and in and by what is not themselves). Only when we live in this way can we be free." "People who are self-centred and egoistic cannot be free."<sup>5</sup> Yet he also says: "When we say that anything is free, we mean that it is in a position to express its own nature in action without hindrance."<sup>6</sup> According to the first definition a man would be free when living altruistically. According to the second he would be free when not prevented from living according to his nature. Being free is in one case a way of life, in the other a condition of activity.

This confusion is common in one way or another to all these writers. It occurs because 'being free' is used to describe both an inner release from the bondage of a divided will or alien impulse and an outer release from the compulsion of other people. Absence of tyranny by an alien impulse or habit, that one feels to be foreign, unworthy, or harmful, is called having liberty. The suppression of such an impulse or the harmonization of all impulses into a unity is called achieving liberty. While it is true that such a suppression or harmonization, issuing in action, may make one feel free, the use of the word liberty to refer both to a relation of one man to another and to the relation of one impulse to another has serious consequences when carried over into political life. The resulting identification of an inner experience of feel-

<sup>5</sup> *Ibid.*, 180, 202.

<sup>6</sup> *Ibid.*, 171.



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ing liberated with the condition of being free tends to the denial of a problem of liberty in the relation of men to one another.

This is illustrated in the thought of Epictetus who found he could feel free only in detaching himself from all interests except one, absorption in the will of Providence. By excluding all other interests he felt free. This experience of release from interests felt to be alien he called being free. So to Epictetus there was no problem of liberty in the relation of men to one another. The problem was to be fought out within each individual. It was a matter of exerting self-control over one's own interests. "For freedom is not acquired by satisfying yourself with what you desire, but by destroying your desire."<sup>7</sup> Such a position commonly results in a withdrawal from political life, and a refusal to take part in the efforts that are being made to reorganize the outer alternatives of choice.

It is one thing, when feeling liberated and having liberty are identified by men who are trying, like Epictetus, to salvage an inner feeling of freedom in a situation where outer alternatives have already been closed. It is more serious when this confusion occurs in the thinking of men in positions of political power. This was the situation among the Conservatives in Germany in the early nineteenth century. To one of their leading thinkers, Adam Müller, as we have seen, liberty meant living in response to one's own peculiar law of growth, each man according to his own personality. Desirous of preserving

<sup>7</sup> Epictetus, "The Discourses," *Epictetus*, Vol. II, Book IV. i. 173.



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themselves as a feudal aristocracy, they transferred the idea of liberty from the outer presence of alternatives to a way of life, hoping thereby to discourage anyone from interfering with their privileges. And because they themselves felt liberated in pursuing their own privileged interests they could not see the problem of liberty which arose from their exercising power over others. Having identified their own subjective feelings of freedom with the condition of liberty for all the German people they were blind to the fact that the unequal and stratified social order they sought to preserve made some people feel in abject servitude. German burghers who were prevented from doing what they wished did not feel liberated in the social positions to which the Conservatives consigned them. Nor could they ignore, as the nobles and landowners so easily did, the fact that the presence of alternatives to act as one desires is a precondition of the inner experience of feeling free. The oppressed became exponents of the French revolutionary idea of freedom, an absence of restraint on desired activities.

The experience of feeling free has sometimes been called moral, inner, or personal liberty. No one can rightfully object if a carefully defined experience is called moral liberty. So the Apostle Paul, failing to find inner satisfaction in rigorous obedience to a legal code, discovered spiritual release in a fresh religious experience and called it liberty: "the liberty of the glory of the children of God,"<sup>8</sup> "Where the Spirit of the Lord is, *there* is

<sup>8</sup> *The Epistle of Paul to the Romans*, 8: 21.



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liberty.”<sup>9</sup> “For freedom did Christ set us free.”<sup>10</sup> This is not only justifiable language, but it is a profoundly important factor in human life. So Hobhouse referred to the “harmony of the whole self in the multitudinous relations which constitute the web of its interest” as moral freedom.<sup>11</sup> This is what we have called the experience of feeling free. It is a subjective and very personal affair—an individual’s response to particular conditions of immediate experience. A sudden liberation from a former state of bondage, or a new religious experience, for example, will often precipitate a feeling of elation and inner harmony. In this sense, feeling free may be an emotional response to being free in a certain respect. But the subjective and emotional character of such an experience makes it an uncertain guide to the amount of freedom which a man actually possesses. The immediate sense of harmony may rest on the precarious conjuncture of particular desires and the freedom open for their pursuit. Once a particular desire changes the conjuncture ends. To have liberty in any realm implies the potentiality of readjusting desires in that realm, in such a way that the sense of inner release can be reestablished without encountering external constraint. Moreover, the elation of feeling free tends to be fitful and inconstant. So a man finds himself in high spirits, emancipated, released on one day, and in low spirits, unhappy with himself, the next. Unlike a condition of being free

<sup>9</sup> *The Second Epistle of Paul to the Corinthians*, 3: 17.

<sup>10</sup> *The Epistle of Paul to the Galatians*, 5: 1.

<sup>11</sup> L. T. Hobhouse, *The Elements of Social Justice* (London, 1930), 56.



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which is relatively stabilized by such an outer environmental condition as a system of law, feeling free tends to vary in intensity from day to day in response to changing conditions of personal experience. In the cases under discussion, such an individually experienced elation of feeling free has been identified with a condition of liberty. Moral freedom and political freedom have been made synonymous.

The use of the term liberty to describe the inner relation between elements of a man's nature is admitted by some writers to be metaphorical. So Bosanquet writes: "The mind, then, is treated by a metaphor as if it were two or more persons; and the term 'liberty,' which applies *prima facie* to the non-constraint of one person by another, is applied to the non-constraint of something within an individual mind by something else within it."<sup>12</sup> While Bosanquet justifies the "metaphorical application of the term 'liberty' to a state of the individual mind,"<sup>13</sup> his admission that it is a metaphor gives away his case. In political thought a term which literally describes one situation becomes dangerous when for the sake of literary color it is applied to another. Metaphors which allow politically and economically powerful men to ignore their relationship to other men cannot be justified.

It is true that when a man feels liberated he readily assumes that he is free. This is not only true of men in

<sup>12</sup> Bernard Bosanquet, *The Philosophical Theory of the State* (London, 1925), 129.

<sup>13</sup> *Ibid.*, 132.



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positions of power. When large numbers of the younger generation in Germany are caught up in the contagious enthusiasm of the National Socialist cause which gives meaning to their lives, relieves their minds of the weight of decision, and releases their abilities, they feel free. The Propaganda Minister tells them that for the first time they are really free. A rule for students runs: "Germany's future depends upon your faith, your enthusiasm and your dynamic will. . . . Licentiousness and unrestrained behaviour are no freedom. There is more freedom in obeying than in giving orders."<sup>14</sup> Talk to many of these students personally and they say they are free. They do not face the fact that they are free to do only what the government allows, that they have a liberty and not wide-ranging liberties. Because they *feel* wholly free they say they *are* completely free. What Thomas H. Green has written holds true: ". . . the feeling of oppression, which always goes along with the consciousness of unfulfilled possibilities, will always give meaning to the representation of the effort after any kind of self-improvement as a demand for 'freedom.'"<sup>15</sup> But giving meaning does not necessarily imply giving a valid meaning. An effort for self-improvement may cause one to *feel* free because one has become a personality unified in the fulfillment of possibilities felt to be worth-while. It may bring satisfaction, a sense of fulfillment, of peace, or of blessedness. The American jour-

<sup>14</sup> Rule Number Four from "Ten Rules for the German Student," by Dr. Scheel, *Geist der Zeit*, October, 1937.

<sup>15</sup> T. H. Green, *Lectures on the Principles of Political Obligation* (London, 1917), 18.



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nalist, Anna Louise Strong, writes of her sense of freedom under Russian Communism: “. . . this is freedom! Not that endless fleeing from tyrants through the wilderness of one’s soul, more and more alone in shrinking spaces. Not that endless finding and losing of editors who like my stuff till the editor changes his mind or the owner changes the editor. Not those scraps of life are freedom. But this conscious seeking and finding over wider and wider areas, for ever more complex creation, comrades with whom to consult and create. It is more than freedom; it is an end forever to loneliness.”<sup>16</sup> Miss Strong has certainly discovered a way of life which brings her satisfaction, happiness, and a feeling of release. But it is not freedom. The term ‘feeling free’ can be justifiably applied to the inner personal experience of having one’s will unified through devotion to objects considered worth-while. Being free refers to an outer environmental condition. Feeling free is an experience resulting from activity; being free is a condition of activity. One feels emancipated, liberated, free in general; being free involves the question of outer restraints, and one is free from a particular restraint or in a particular respect. A man may feel completely free when he is free to act in only one way. This experience Hamlet expressed: “O God, I could be bounded in a nut-shell and count myself a king of infinite space, were it not that I have bad dreams.”<sup>17</sup> Or, as Sorokin says, a per-

<sup>16</sup> Anna Louise Strong, *I Change Worlds The Remaking of an American* (New York, 1935), 421.

<sup>17</sup> William Shakespeare, *Hamlet*, Act II, Sc. ii, lines 260–262.



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son with a limited set of wishes can feel free in the narrow limits of the available possibilities of satisfaction of his needs, for example, an ascetic, a fakir, or a good mother tied to her child in her time and activities.<sup>18</sup>

Upon the other hand, a man may *be* free in several particulars and yet not feel free at all. A professor of anthropology in Germany was recently dismissed from his position by a National Socialist Minister of Art. His wife wrote: "We tried to feel free, but we were not very successful. In certain respects, at least, Jules was free. He was not obliged to prostitute his learning to the promulgation of that famous racial theory; he was not obliged to adopt the coward's greeting; he could choose the color of his shirt; . . . Yes, we were free. An animal in the zoo is free when the door of his cage flies open; but where can he go? A dog who has broken his chain is free; yet he finds no shelter except in his old quarters."<sup>19</sup>

A man may even *be* free in a wide range of particulars and still have no experience of inner release. Such a situation is described in Wordsworth's familiar words:

"Me this unchartered freedom tires;  
I feel the weight of chance-desires: . . ."<sup>20</sup>

Or, as Walter Lippmann suggests, under conditions of freedom a man's life may seem "mere restlessness and

<sup>18</sup> Pitirim A. Sorokin, *Social and Cultural Dynamics* (New York, 1937), Vol. III, 162.

<sup>19</sup> Eva Lips, *Savage Symphony* (New York, 1938), 75-76.

<sup>20</sup> William Wordsworth, "Ode to Duty," *The Poetical Works of William Wordsworth* (London, 1913), 492, lines 37-38.



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compulsion.”<sup>21</sup> Men come to “know, from disillusionment and anxiety, that there is no freedom in mere freedom. They must find . . . some . . . principle which will give coherence and direction to their lives.”<sup>22</sup> Feeling free is then far from being identical with having liberty. It is the possible subjective result of such a condition, and being free in at least the one particular desired is a necessary pre-condition of feeling liberated. But feeling free generally depends on other conditions as well as that of being free. A sense of inner emancipation is usually in evidence only when suitable opportunities, congenial conditions, generally a sense of well-being, are conjoined with being free.

Writers who call liberty a mode of being, thus wrongly identify an inner result with one of its outer conditions. We have seen how this error incurs the grave danger of identifying the individual sense of liberation with an actual state of liberty for the whole group to which he belongs. This leads to denials that there is any problem of liberty in the relation of some men in the group to others. It thereby serves to divert men from dealing with the profoundly difficult problem of relating the liberties they desire to the liberties desired by others. Even more flagrant are the denials of this problem, however, that result from an additional identification which we now discuss.

While all these writers under consideration fail ade-

<sup>21</sup> Walter Lippmann, *A Preface to Morals* (New York, 1929), 19.

<sup>22</sup> *Ibid.*, 326.



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quately to distinguish between an inner experience of feeling free and the condition of being free, many of them go on to associate the inner experience of liberation with an outer condition of liberty in one specified particular. When one feels free under certain conditions one tends to assume that all men will feel free under identical conditions. Within the shelter of one's own satisfaction the conviction is nourished that everyone will feel free if a similar way of life is universalized. So John Winthrop believed that "liberty is maintained and exercised in a way of subjection to authority." And this liberty which "is the proper end and object of authority, and cannot subsist without it," is "a liberty to that only which is good, just, and honest."<sup>23</sup> The condition of liberty, then, does not differ for different people, according to what they desire, are able, and have the means at hand to do. Obedience to a theocratic law is the condition of liberty for all. Liberty becomes a specific condition of activity in which one is not prevented from doing as one *ought* to want to do. Dr. William Thompson said in 1938: "There are really just two kinds of freedom: the false, where a man is free to do what he likes; and the true freedom, where a man is free to do what he ought."<sup>24</sup> True liberty, then, consists in freedom to do whatever is 'right' and in being prevented from doing whatever is 'wrong.' The outer condition of one man's freedom is the

<sup>23</sup> John Winthrop, *The History of New England from 1630 to 1649* (Boston, 1853), Vol. II, 281.

<sup>24</sup> Dr. William Thompson, Baccalaureate Sermon, University of North Carolina, cited in *The New York Times*, June 6, 1938.



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necessary condition of all others. What sustains the liberty of one sustains the liberty of all.

A condition of liberty for some individuals may thus be identified with a condition of liberty for all within a group only on the assumption that all in the group have an essentially identical human nature, possessing similar interests as objects of the will. Hegel says of his Prussian fellow-citizens: "A second nature has been substituted for the original and merely natural will, and has become the very soul, meaning, and reality of one's daily life."<sup>25</sup> On this assumption Hegel goes on to say: ". . . in point of fact the individual finds in duty liberation. He is freed from subjection to mere natural impulse; he is freed from the dependence which he as subjective and particular felt towards moral permission and command; he is freed, also, from that indefinite subjectivity, which does not issue in the objective realization implied in action, but remains wrapped up in its own unreality. In duty the individual freely enters upon a liberty that is substantive."<sup>26</sup>

Granted an identical human nature, one person's experience of feeling free can be no different from another's. Any mode of life which makes one person feel emancipated will inevitably make others feel the same way, and the unclosed possibility of leading that one kind of life will be the outer condition of liberty for all.

This hypothesis of a common human nature rests on

<sup>25</sup> Hegel, *Philosophy of Right* (London, 1896), 151, p. 161.

<sup>26</sup> *Ibid.*, 149, p. 158.



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the distinction between an actual self and a real, true, or substantive self. The real self is in every case conceived as the essential self. The actual self may be manifested casually in transient desires and private interests, but man, it is believed, inevitably by nature wishes to escape from the actual self to the real self. What man ought to be—however that ought is interpreted—he both essentially is, and it is his nature fully to be.

Those writers, for example, who call liberty the process of being one's good self assume that it is man's true nature to exhibit certain noble qualities of character. To the Archbishop of York men really wish to fulfill deliberately formed moral purposes, and not to follow chance desires. So "liberty, in the sense in which men really value it, is not freedom from control, but is self-control."<sup>27</sup> To Alexander Meiklejohn men really wish to express their spiritual nature. So "the freedom which men demand when they know their own minds is the freedom of the spirit."<sup>28</sup> John Stuart Mill held that man desired mainly to do not what he casually wished to do, but what he believed he ought to do. So "freedom to do what one wishes to do" is not "the only sort of freedom which any man seriously desires, or even the freedom which he mainly desires."<sup>29</sup>

Most of the writers who call liberty being one's good self and who then define goodness as obedience to law

<sup>27</sup> The Archbishop of York, "The Divine Source of Liberty," *The Hibbert Journal*, Vol. XXXVI, No. 1, 11.

<sup>28</sup> Alexander Meiklejohn, *What Does America Mean?* (New York, 1935), 208.

<sup>29</sup> J. S. Mill, *On Social Freedom* (London, 1907), 61.



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or as absorption into the greater social whole believe that man's true self is what he really is, while his actual self is an illusion. To Hegel the very essence of man's nature is the substance of the life of the Prussian state. No matter what men *seem* to will, they truly will the will of that state. "They will in fact the real matter, but they hold fast to bits."<sup>30</sup> Similarly, Maritain believes that men created in the image of God are essentially spiritual persons. We are thus called upon by our nature "to become in action what we are already in the metaphysical order: a Person."<sup>31</sup> Saints who have approximated most closely to a life of communion with God are the noble examples of a spiritual nature common to everyone. Rosenberg conceives of personality as essentially the Nordic racial type, which longs to become a perfect type. "The longing for personality and for type is deep down within the same. A strong personality produces a type, the type however—viewed metaphysically—exists prior to the personality which is only its purest flowering."<sup>32</sup>

In any such interpretation man is thought of as in essence being what he ought to be. And because in his essence he is moral, or reasonable, or spiritual, it becomes his destiny to exhibit these qualities. Because he is essentially state, nation, or racial community it is his nature to approach the standards set by these social unities. Moreover, what it is man's nature to become he

<sup>30</sup> Hegel, *Philosophy of Right* (London, 1896), Addition 268, p. 256.

<sup>31</sup> Jacques Maritain, *Freedom in the Modern World* (London, 1935), 30.

<sup>32</sup> Alfred Rosenberg, *Der Mythos des 20. Jahrhunderts*, 529.



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is assumed to desire to become, whenever he is in his right mind or properly aware of his true self. What these writers have done is to elevate what they consider the noblest qualities of man to a set of principles which are declared to be the only and desired expression of man's real nature. Man is then not what he actually is, but what these principles suggest.

It is one story when this assumption is accepted by those in society who lay no claim to political power. Having once determined upon principles which express the true nature of man their problem is to watch mankind as it follows this nature. If some men slip from the straight and narrow path, thereby denying their own real nature, those who know the path must persuade them to their right minds.

When, however, this assumption is acted upon by groups in power, it is another story. The National Socialist regime in Germany is a contemporary example. According to Nazi theory, once the principles which express the true nature of man are settled upon in a political program they will be spontaneously agreed to. For since the Nordic German *is* this true nature and wants to become it fully, it follows that any program embodying the principles of this true nature will have wide popular appeal. There can be no opposition to the program among Nordics for there is no difference of opinion as to right and wrong ways of living. According to Rosenberg the eternal racial soul-substance of which any Nordic person is the temporary form commands the



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right from each man's metaphysical depths. Or in another form of explanation the will of the Führer embodied in the National Socialist program is the real will of all the members of the racial community.<sup>33</sup> So in following the program a man will realize his true self and be free. Any problem of liberty in the relation between one group and another is absolutely denied. There is no problem of reconciling various things people want. Everybody wants the same thing or complementary things. All interests are common or harmonious. Without tension of conflicting interests there are no conflicting liberties. What is 'my' liberty is liberty, and the rule of the National Socialist party sustains the liberty of all.

If in the course of time conflicting interests do assert themselves within the community, through men joining underground movements, or an army opposition, they are ignored in theory. In fact they are crushed. Because it is denied that problems exist in the outer relations between the Party and the people they must not be allowed to exist. These outer relations become subjected to the principle of order by force. To assert the validity of the principles declared to be expressive of the standard German type—and to protect their own prestige as guardians of Germany—the National Socialist party *must* resort to force, not only incidentally, but as a principle.

The standard apology for such suppression is in the familiar words of Rousseau: "This means nothing less

<sup>33</sup> See Georg Foerster, *Die Freiheit im autoritären Staat* (Potsdam, 1933), 32.



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than that he will be forced to be free; . . .”<sup>34</sup> But to put the situation from the point of view of the man being forced, it means nothing less than that he will be forced to do what he does not want to do. He is being coerced to be ‘good.’ To be sure, in being thus forced to be ‘good’ one may feel free if one agrees with the interpretation of the good, because one is then free to do the particular things one wishes to do at the moment. In being made good by force, however, in ways contrary to one’s will, the conditions of feeling free are violated, and a condition of activity where the alternatives set by a government are to be good or go to prison is not one of liberty. Liberty in any area of experience involves always the unclosed possibility of pursuing either what is ‘good’ or ‘evil’ in the sight of any government.

The Roman Catholic Church affords another example of a group laying claim to political power on the grounds of insight into man’s true nature. The practical implications of this position were indicated by Cardinal Villeneuve, Archbishop of Quebec, speaking on a text from Leo XIII: “It is repugnant to reason that the false and the true should have the same rights.” His speech was in part a political plea, based on the following logic. It is man’s nature to know the truth. Such knowledge is freedom. Conditions, therefore, which permit me to know the truth are conditions of liberty for all. Since the Roman Catholic Church alone has insight into the nature of truth, it alone is aware of the conditions under which knowledge of the truth is possible. Liberties of any

<sup>34</sup> J. J. Rousseau, *The Social Contract* (London, 1932), I, vii, 18.



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sort can be "tolerated" only when "a just temperament prevents them from degenerating into license and disorder." In the state "the divine law and the authority of the church" are not on a common footing with other doctrinal systems, "as if society could in principle and of deliberate purpose consent to allow some to serve the Lord and others to do him disservice, or at least to serve him badly." "I do not want any kind of democracy; I want an aristocratic democracy." "The most libertarian democracies, arrived more or less at the term of their dissolution, can be saved only if the most penetrating authority . . . recovers possession of them and preserves them. It is thus they have reasoned in Italy and elsewhere."<sup>35</sup> Or as a Catholic layman wrote in support of Cardinal Villeneuve: "It is the duty of the state to enforce what the church declares to be true and to suppress what the church declares to be false and dangerous."<sup>36</sup>

In so far as sincere Catholics agree with beliefs and practices enforced by the state on behalf of the Roman Church, they are free to do what they want. They may feel wholly free. Where a large majority of the population is Catholic, as, for example, in the Province of Quebec, laws sponsored by Catholics will receive wide support. The Quebec anti-communist act of March 24, 1937, inspired by Catholic leaders, forbidding any per-

<sup>35</sup> Quotations are from the verbatim report of speech by Cardinal Villeneuve as published in *Le Devoir*, cited in *The Christian Century*, April 6, 1938, 423-424.

<sup>36</sup> William Franklin Sands, Letter to the Editor, *The Christian Century*, May 18, 1938, 627.



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son who is owner or occupant of a house to permit its use for the propagation of Communism, might not effect the liberty of loyal Catholics. But it does curtail the freedom of both the consistent liberal and the Communist. To force men to accept beliefs and customs to which they do not respond either spontaneously or by habit, is to destroy the conditions of their liberty. Freedom is not the possibility of believing in and doing what is true in the eyes of the Roman Church, or in the sight of any other religious or political power. On the contrary, it involves the unclosed possibility of believing and practicing what is false, or to use the words of Cardinal Villeneuve, of "degenerating into license."

Certain other religious groups are no less exposed to this same criticism. For instance, many Protestant churchmen in the United States recently sponsored a prohibition amendment on grounds of knowing more about what men desire than do those men themselves. The Board of Temperance, Prohibition and Public Morals of the Methodist Episcopal Church maintained: "The Amendment is not an infringement upon personal liberty."<sup>37</sup> One vindication of this position ran as follows: "in general a man has liberty to be himself. Yet . . . it is only the liberty to be a better self that he can sustain against all comers and all criticism."<sup>38</sup> This bet-

<sup>37</sup> *Debater's Handbook on Prohibition*, prepared by the Research Department of The Board of Temperance, Prohibition and Public Morals of the Methodist Episcopal Church (Washington, no date), 12.

<sup>38</sup> Nolan R. Best, *Yes, "It's the Law" and It's a Good Law*, prepared for the Administrative Committee of the Federal Council of the Churches of Christ in America (New York, 1926), 29.



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ter self involves a noble character, a clear and elevated intellect, qualities useful to the development of cultured society, and sensitivity to obligations which one owes to others.<sup>39</sup> Since liquor-drinking does not enhance these qualities "there remains not a shred or filament of reason for anybody to contend that hindering a citizen from obtaining intoxicating drinks is trespassing on real personal rights. No man's liberty can possibly be invaded by denying to him privileges of no value to himself."<sup>40</sup> Moreover, "in dry America 'mankind shall then be truly free.'"<sup>41</sup>

The primary difficulty with any theory of a true nature different from what man actually is lies in the fact that within any group men express their natures in patterns of action which cannot possibly be included in any single formula of goodness. Men do factually become something other than it is thought they ought to be. Some of our writers try to get around this issue by their assumption of the right mind. If men are or become something other than they ought they are merely 'not of their right mind.' But men are unreasonable, self-interested, and unintelligent. Every man has his self-interested moments. They *are* insensitive (Meiklejohn); they prefer to let themselves go rather than exert self-control (Archbishop of York); they do what they want rather than what they ought (Mill). The 'right mind,' so conceived, is ideal rather than factual. Other writers

<sup>39</sup> *Ibid.*, 29.

<sup>40</sup> *Ibid.*, 35.

<sup>41</sup> *Ibid.*, 91.



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try to dodge this issue, by their hypothesis of an indwelling spirit, God, or a national soul, or even blood, which creates a true nature in a limited number of men. These writers then dismiss as unreal and illusory any will or interest which does not *seem* to be the fruit of this spirit. But even this hypothesis is no safe escape. God does not reveal his purposes alike to all men, even with the mediation of the Roman Church, for we have Protestants. The spirit of a national state does not speak alike to all men, even with the aid of a British Parliament, for we have opposition parties. The commands of blood do not come alike to all, even with the interpretations of a Führer, for we have underground movements. Protestant religious sects, opposition parties, and underground movements cannot be dismissed as illusory.

A second difficulty with this position is revealed by the fact that men are tempted from a variety of motives to draw up different sets of principles to indicate the real nature of man. It is one thing to point out what man essentially is, when, for instance, human nature is being distinguished from animal nature, but to set what man essentially is over against his actual self opens the dikes. For the real nature can be described as intelligence, self-control, sensitiveness, the performance of duty, self-sacrifice, bravery, or love of friends. It may be said to reveal itself in service to the democratic enterprise, absorption in the Fascist state, in the National Socialist racial community, in a religious fellowship, in obedience to English law or French law. While the true nature has always been regarded as somehow the fulfill-



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ment of life, this fulfillment may be conceived according to whatever someone feels it ought to be. One's true nature becomes nothing less than a state of being good, according to a variety of interpretations of the good. Being one's true self means being an improved self, with no end to the definitions of what improved shall signify. We find we have embarked on the limitless quest of how to be a perfect person, and there is no hope of agreement on the nature of perfection.

A third difficulty is revealed in the evidence that man does not always desire to become even what he may know he ought to become. Men's ideals and desires do not inevitably converge. Bosanquet writes that man always desires to do the thing which makes life most worthwhile.<sup>42</sup> Green says that man really seeks the satisfaction of himself in objects in which he believes satisfaction should be found, and seeks it there because he believes it should be found in them.<sup>43</sup> But these statements ignore the fact that men frequently want to do or have something which they know they would be better off for not doing or possessing. They often do not desire to do those things which they know will make life more worth-while. Their ideals and desires diverge. What is desired and what is felt ought to be desired may even be in open conflict. So a man may know he ought to be honest but may desire to cheat. To say as the Archbishop of York does that his desire to cheat is not his real or permanent

<sup>42</sup> Bernard Bosanquet, *The Philosophical Theory of the State* (London, 1925), 139.

<sup>43</sup> T. H. Green, *Lectures on the Principles of Political Obligation* (London, 1917), 3.



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desire, and that to hinder this unreal desire is to increase liberty, is either to deny the facts of human nature or to juggle with the term liberty. Even though that man may know he ought not to cheat, to hinder him in cheating when he desires to do it will *to him* decrease his liberty. Habituation to certain ways of acting usually results in our ideals stretching beyond our desires, and to identify the desire and the ideal, as all these writers do in one form or another, is to belie the situations in which the two diverge.

So men's natures are not necessarily truly described in any set of principles determined upon by a writer. What man is must be conceived in terms of the actual. What man wants must be described in terms of the realistic facts. What man truly ought to become may or may not be what he actually is. One may justifiably single out an aspect of man's nature—his capacity for self-sacrifice, for love, or for friendship—and call that the essence of his nature, meaning by essence his highest or noblest quality of character. But he is not the essence, nor has he only this quality of character, nor does he necessarily desire to have it. He actually manifests in different degrees and in varying ways a kind of life which involves these and all his other capacities. The principles and patterns describing the real will, the true interest, and the right mind represent what some one or some group feels man ought to become. In fact, man is his actual self approximating only in some degree to one or another of these patterns. And we have seen that



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what another person feels one ought to be does not necessarily lead to a liberated life.

It follows from this variety in man's nature that the condition of liberty cannot be identical for all. Liberty cannot be limited in meaning to some one specified condition. It has a persistent core of meaning; the absence of restraint on doing what one wants, is able, and has the means at hand to do. But the abilities and wants of men are neither constant nor predictable. Any man's liberty is relative to his inclinations, capabilities, and the means before him. The condition of one man's liberty may be the condition of another's servitude. The condition of 'my' liberty or 'our' liberty is not *the* condition of liberty.

"HAMLET: Denmark's a prison.

ROSENGRANTZ: Then is the world one.

HAMLET: A goodly one; in which there are many confines, wards and dungeons, Denmark being one o' the worst.

ROSENGRANTZ: We think not so, my lord.

HAMLET: Why, then 'tis none to you; for there is nothing either good or bad, but thinking makes it so: to me it is a prison.

ROSENGRANTZ: Why, then your ambition makes it one; 'tis too narrow for your mind."<sup>44</sup>

In recent years, three modes of living have been enforced as liberty. Italian Fascists have made men free by compelling them to act according to the common interests of their nation. Democratic statesmen have given men freedom by constraining them to obey the laws of their country. German National Socialists have increased

<sup>44</sup> William Shakespeare, *Hamlet*, Act II, Scene ii, lines 249-259.



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liberty by forcing men to approximate their behavior to that of a standard racial type. Each of these patterns by which some men claim to have coerced others into a state of freedom requires a special analysis of its validity.

Take, to begin with, the claim that man is free when his interests are absorbed into the common or general interest of a social unity. Such a writer as Gentile, who calls liberty a way of life characterized by wanting the common interest of the Italian state, assumes that men (in their twice-born state) have common or harmonious interests. All proponents of this theory hold that there is a kind of pre-established harmony guaranteed by God, or the national spirit, or the blood, which makes certain that there will be no conflict among interests. A God, spirit, or quality of blood present in the elements of society will either make all interests common or, where they are like, will guarantee their harmony one with another.

The difficulty with this position is its confusion of an ideal with present facts. Common interests are interests which cannot be privately owned or distributively apportioned. The common is that which is shared without division. But how many of a man's interests does he in fact possess distributively, privately, by himself? Food, clothing, money are some of the most obvious. No matter how hard a man tries he cannot make his food and clothing a common interest. Common interests exist in social unities to which people belong, or in some impersonal cause pertaining equally to all who seek it. But earning a living, having children, keeping a home, the



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pursuit of a vocation, the very requirements of existence, are not interests common to the social unity or cause, and no combination or multiplication of these like interests will make them common. They are limited to individuals or to a small group.

Moreover, interests which are limited to individuals or groups are not all harmonious one with another. An Italian may wish to remain in Italy—the Fascist party may want him to farm in the Ethiopian highlands. No two men can hold the Directorship of the same Museum in Rome or the same professorial chair in a university. There is no escaping the manifestation in life of *both* common or harmonious interests and conflicting interests. Men seek things for themselves as well as things which they share with others. Men seek to have what no two people can have and so come into conflict. It is all very well to counsel men as far as possible to seek the more inclusive ends, to find the deeper satisfactions of self-transcending interests. But to *enforce* devotion to them on the grounds of a false assumption about the harmony of all interests is not ‘forcing men to be free.’

To require adherence to a common program sustains liberty for only certain people in any social unity. In so far as men’s interests are alike and harmonious with those of others in the group, for instance, defense from a common enemy, insofar will they be united in their interests and sustained in their liberty by a common program of action. Italian citizens who feel a threat to their homes from a possible German invasion are sustained in their liberty by the Fascist program of armament and



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fortification. In so far as men have common interests, for instance, loyalty to party or to racial heritage, insofar will they be free within the requirements of a social unity. Italian Fascists who want at all costs to see the Fascist Party flourish will be free within the demands of party discipline. But just in so far as men's interests are unlike or like but conflicting, insofar will coercion applied to compel devotion to a common program involve a denial of liberty. To make a group of men who prefer to remain in Italy colonize in Ethiopia is to deny them liberty in one area of experience. To compel non-Fascist scholars to abandon their university positions to loyal party members does not increase the liberty of both groups. No common program sustains the liberty of all; it sustains only the liberty of those whose interests are spontaneously or by habit in correspondence with the tenets of that program.<sup>46</sup>

A similar over-simplification of the complexity of social life is involved in the claim made by some writers that it is man's essential nature to will the general will as embodied in the law. In obeying law enacted by the general will "each, while uniting himself with all, may still obey himself alone, and remain as free as before."<sup>46</sup> "Obedience to law is liberty."

One difficulty here is that no explicit formula can

<sup>46</sup> Here, and in analogous statements which follow, we are speaking of a remnant of liberty which remains to those who are not constrained because they want to do what the law commands, as compared with those whose desires run counter to the law and therefore feel constrained.

<sup>46</sup> J. J. Rousseau, *The Social Contract*, I, vi, 14.



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embody a will which is general in source. Men may identify their will with laws, but these never represent the 'general will' of all the group. Laws and other social institutions may be the will of a majority, even a large majority, or they may be the will of the government or the most powerful organized extra-governmental group; but they never express a general will. When Philip Snowden talks about "laws imposed by the common will for the common good" the common will is at most the will of a majority. It may be, or it may not be, the will of any particular individual. So laws imposed by a common will may very likely destroy an *individual's* liberty. The Archbishop of York is wrong in assuming that law in a democratic country is an expression of freedom. A law which is the manifestation of a majority policy may for the minority constitute a severe abridgment of a liberty deemed valuable. The majority may be free within the law in so far as it guarantees a condition of activity in which they are unrestrained in doing what they incline to do. The minority may feel themselves in abject servitude and they do lack liberty in so far as the law prevents them from living as they wish. Arthur Holcombe has argued that because liberty is obedience to just laws the denial by the United States government of the right of Mormons to practice polygamy did not decrease the liberty of the Mormons. He writes: "The Mormons may have been displeased, but, assuming that the government of the United States acted within its jurisdiction, they remained as free as before, unless they could show that the government was so organized and its processes



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were such that just laws could not be expected to come out of it.”<sup>47</sup> But even Arthur Holcombe cannot tell us what a ‘just law’ is or define ‘acting within its jurisdiction.’ And regardless of the criterion of justice the denial of an established marriage custom most certainly prevented the Mormons from living as they wished. They were doubtless displeased, but they had also lost their freedom in that particular.

In a dictatorship law is the expression of the will of a small political group, and not necessarily of even a majority of the people. Goering justified the shooting of the conspirators without trial in the Purge of June 30, 1934 by saying that Hitler’s will was “the law and will of the people.”<sup>48</sup> While it was the will of many National Socialist party followers and may have been agreed to by a large majority of the German people it was not the will of the conspirators. F. J. C. Hearnshaw assures us that compulsory conscription inaugurated by a War Council decreased no one’s liberty. Yet such a law faced English pacifists and many non-pacifists with two undesired alternatives—prison or fighting. Every other alternative was closed. When in the words of Goebbels “anyone may grumble or criticize the government who is not afraid to go to a concentration camp,”<sup>49</sup> one does not have liberty of speech. In so far as the alternatives made by a law in any area of experience do not admit those aims which a man wants to pursue he is not free.

<sup>47</sup> Arthur N. Holcombe, *The Foundations of the Modern Commonwealth* (New York, 1923), 286.

<sup>48</sup> Cited in I. L. Kandel, *The Making of Nazis* (New York, 1935), 27.

<sup>49</sup> *Ibid.*, 25.



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A common will upon which all agree can never be found on the level of laws. The only place where one can find a generally accepted public will is in the undefined, inexplicit support of a system of institutions. Such support, upon which all within a state may agree, underlies and makes possible the system as a whole, but it is never a consensus of will on particular policies. That which unites all men in any state is not what appears in its laws or in its other institutions, but rather the undefined willingness to abide by a system in general, despite disagreement with many of its features.

In obeying specific laws, therefore, a man follows the will of a majority or of a group in power, and not any fictitious general will. To counsel that all men should agree to what a majority or smaller group puts into law is one thing. To assume that all men do so agree is to distort the problem of liberty. Laws may be instruments of freedom to some and tools of slavery to others. Only in so far as a man's purposes correspond to those of the law can one say that obedience to law is liberty.

Some modern German authors claim that men are essentially a racial type and want fully to become so, so that coercing conformity to type is to increase liberty. "Real freedom is . . . the creation of a type"<sup>50</sup>—a type with common physical, spiritual, and intellectual traits. Rosenberg and his followers have never been explicit in their definition of the traits which characterize the Nor-

<sup>50</sup> Alfred Rosenberg, "Freiheit der Wissenschaft," *Gestaltung der Idee, Reden und Aufsätze von 1933-1935* (Munich, 1936), 210-211.



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dic type. They resort to generalizations: "racial style of life, rooted in Mother Earth, a new German type of man, 'rectangular in body and soul.'"<sup>51</sup> The German Aryan university professor is assumed to want in his heart to become a racial-politician-soldier type. "The strongest personality today no longer calls for personality but for type."<sup>52</sup> A professor is expected to accept the political and biological premises of the National Socialist style of thought. Thus in Germany the regimented research of the political university is freer than research under traditional conditions of academic freedom. "Contrary to the reproaches, which are made against us, I am absolutely convinced, that only through the National Socialist movement has freedom of investigation been restored."<sup>53</sup> Yet many a university professor incontestably an Aryan has fled the German state because he could not accept the racial-political type of intellect as a worthy aim of endeavor. And he has fled his country in the name of liberty.

Otto Dietrich assures us that truly scientific men wish to pursue racial science, one within "those borders which nature has set by life in the community."<sup>54</sup> Because this racial-community-oriented type of science is what scientists really want, to sustain it is to assure freedom. "For this reason National Socialism is actually the

<sup>51</sup> Alfred Rosenberg, *Der Mythos des 20. Jahrhunderts* (Munich, 1936), 531.

<sup>52</sup> *Ibid.*, 531.

<sup>53</sup> Alfred Rosenberg, "Nationalsozialistische Führer über geistige und persönliche Freiheit," *Die Freie Deutsche Schule*, February 15, 1938, 23.

<sup>54</sup> Otto Dietrich, *Die philosophischen Grundlagen des Nationalsozialismus* (Breslau, 1935), 32.



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power which frees science.”<sup>55</sup> Yet many a German scientist has felt hindered by the restrictions placed on scientific study. He has lost the liberty of research. This fact is not explained away by saying, as Otto Dietrich does, that he “who denies this type of thought is, from the very beginning, spiritually on the wrong track and the National Socialist state does mankind a service if it does not place professorships at his disposal. A doctrine thus falsely oriented is no longer science but error.”<sup>56</sup> Whoever refuses to think in a certain way may be in error from the National Socialist point of view, but if he is forced against his will to follow a racially oriented science he is restricted in his liberty. Only those who actually wish to pursue a single method of scientific research are sustained in their liberty by laws which require it.

The racial type of man is an abstract idea. Types are always an idealized complex of certain traits. In an actual group many will have one of the traits selected as characteristic of a type. Some will have two or three, but almost none will have them all. And even within a group biologically or spiritually predestined to be a type, to use the words of Georg Foerster, few can be a type in this incarnation. Moreover, approaching a type is a goal which may or may not be acceptable as an ideal to any particular person. In brief, whoever coerces men to adopt a racial style of life in order to make them free mistakes an abstract goal for a realizable ideal, and

<sup>55</sup> *Ibid.*, 34.

<sup>56</sup> *Ibid.*, 33.



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wrongly assumes that what may be a goal of activity for some within a group is a goal of activity for all.

No proposition that liberty is a way of life holds true in experience. In all of its forms it involves the confusion of the inner experience of feeling free with the outer condition of being free. In some of its forms it rests on an over-simplified conception of human nature, an equating of man's actual nature with some specially defined good nature. This results in a confusion of the conditions of liberty for some people with the conditions of liberty for all. An acceptance of this invalid proposition in any of its forms results in a denial or confusion of the problem of liberty involved in the relation of one man or one group to another.



## CHAPTER V

### *Pitfalls of the Literal Meaning*

DEPARTURES FROM THE LITERAL MEANING ARE ALWAYS associated with an inadequate approach to the problem of liberty; but, on the other hand, an acceptance of this meaning is no guarantee of adequacy. Hazards still abound in the inferences which are drawn on the basis of an entirely sound definition. Some of these doubtful inferences are discussed in the third chapter. Those which pertain specifically to the relation of liberty and law have yet to be considered.

The propositions in which we are here interested occur both in works of reputable political scientists and in more popular presentations. One wording runs as follows: since liberty is essentially the absence of restraint, the less political restraint, the more liberty, or in a reverse form, the more political restraint the less liberty. So every law is a diminution of liberty and the degree of freedom depends upon the relative absence of law.

“Liberty, or Freedome, signifieth (properly) the absence of Opposition . . . seeing there is no Common-wealth in the world, wherein there be Rules enough set down, for the regulating of all the actions, and words of men, (as being a



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thing impossible:) it followeth necessarily, that in all kinds of actions, by the laws praetermitted, men have the Liberty, of doing what their own reasons shall suggest. . . . The Liberty of a Subject, lyeth therefore only in those things, which in regulating their actions, the Sovereign hath praetermitted: . . .”<sup>1</sup>

“. . . the liberty which a citizen enjoys is to be measured, not by the nature of the governmental machinery he lives under, whether representative or other, but by the relative paucity of the restraints it imposes on him.”<sup>2</sup>

“. . . our aim is *more liberty and less law*.”<sup>3</sup>

“. . . liberty means not being governed . . . liberty is purely a negative notion or rather negative in respect to public power . . . liberty retreats each time that the State advances.”<sup>4</sup>

A different statement of this same proposition runs as follows: in as much as liberty signifies absence of restraint, freedom is absence of all political restraint.

“We may . . . define liberty as the condition under which action of all kinds is perfectly exempt from restraint . . . the complete realization of liberty is, in fact, nothing else but the complete abolition of law. . . . Law and liberty are mutually exclusive.”<sup>5</sup>

“In destroying government and statutory laws, Anarchism proposes to rescue the self-respect and independence of the individual from all restraint and invasion by authority. Only

<sup>1</sup> Thomas Hobbes, *Leviathan*, Chapter XXI, 161, 163.

<sup>2</sup> Herbert Spencer, *The Man versus the State* (New York, 1884), 15-16.

<sup>3</sup> Liberty and Property Defence League Pamphlets, No. 21 (1888), 36.

<sup>4</sup> Jean Salvaire, *Autorité et Liberté* (Montpellier, 1932), 65, 66.

<sup>5</sup> William Bennett, *Freedom and Liberty* (London, 1920), 118, 352, 354.



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in freedom can man grow to his full stature. . . . Only in freedom will he realize the true force of the social bonds which knit men together, and which are the true foundation of a normal social life.”<sup>6</sup>

“In ordinary parlance liberty . . . means permission to do what you like. . . . Liberty, in short, in the common use of language, is opposed to restraint: and as government, in the political department, is restraint, liberty in a political sense should be the opposite of government . . . liberty is primarily the absence of restraint or the opposite of government.”<sup>7</sup>

“If liberty means the right to do as one pleases . . . those, who prefer doing as they please to enjoying the benefits which they might hope to receive by acknowledging the authority of a state, may secure that kind of liberty only by repudiating all political authority. Realistic liberty . . . is logically compatible with nothing but anarchy.”<sup>8</sup>

In each of these propositions the inference is drawn that the removal of any political restraint will invariably increase liberty. Because liberty is thought to exist only where law does not exist, or in the interstices of laws that do exist, to take away a law is to enlarge liberty. It then logically follows that to take away all law creates a condition of full freedom. The problem of liberty is resolved into the removal of as many laws as possible.

<sup>6</sup> Emma Goldman, *Anarchism and Other Essays*, 67.

<sup>7</sup> J. R. Seeley, *Introduction to Political Science* (London, 1923), 119, 120.

<sup>8</sup> Arthur N. Holcombe, *The Foundations of the Modern Commonwealth* (New York, 1923), 257-258.



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This view of the problem may follow from an assumption that people either now or at some future date will want only things which can be experienced with others or things which will not preclude others from having what they want. Interests will be common or harmonious. In a situation where only these two forms of interest prevail, it is believed the absence of law will coincide with a condition of liberty. Nobody's purposes will conflict. The liberty of each will subsist alongside the liberty of all, and complete abolition of law will be the complete realization of freedom.

Writers on democracy have sometimes assumed a pre-established harmony whereby, through the grace of a Divine Providence, each man in pursuing his own interests pursues the interests of all. They argue that every individual is "led by an invisible hand to promote the end which was no part of his intention."<sup>9</sup> No political authority need intervene at any point, for there is no essential conflict among interests. The liberty of each to follow his own purposes promotes the liberty of all. Harmony is assured by the 'free market' and an impersonal price system which permits each man to supply the needs of others and simultaneously to make his own living by the price he gets in exchange. The problem of liberty is reduced to the removal of all laws which hamper what would otherwise be automatic harmony, in a word, to *laissez-faire*.

This conception of a pre-established harmony holds true only for an imaginary social and economic order in

<sup>9</sup> Adam Smith, *Wealth of Nations* (New York, no date), Vol. I, 421.



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which all men are hypothetically "free and equal" competitors. But under no economic system have men been actually free and equal. Even when all work was performed as a family affair or by craftsmen with two or three apprentices, some men were more powerful than others. Moreover, work has increasingly depended on factories and workshops where an owner employs large numbers of men. The scale of industry has gradually increased until nearly 50 per cent of the corporate wealth in the United States is in the hands of the 200 largest business corporations, and these few corporations are themselves controlled by less than 2,000 directors.<sup>10</sup> When competitors become unequal there is no assurance that their interests will be in harmony. A corporation in pursuing the enrichment of its members does not thereby promote the interests of all. Along with what are indeed many public services due to increased efficiency, the great corporation has driven weaker competitors out of business, made labor against its will submit to low wages, long hours, and unsatisfactory working conditions, and frequently forced monopoly prices on consumers, contrary to their wishes. When interests do in reality conflict it is vain to call upon an invisible hand to harmonize them. To remove protective laws or to refuse to pass laws regulating the practices of economic corporations does not result in the liberty of all. It merely causes an increase in the liberties of the larger corporations.

<sup>10</sup> Adolf A. Berle and Gardiner C. Means, *The Modern Corporation and Private Property* (New York, 1932), Chapter III.



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Some anarchist writers believe that a harmony of interests arises through a law of reason common to the consciences of all, which prescribes what is right and proscribes what is wrong. Because men spontaneously rally to common interests suggested to them by their reason, "all law making, except gradually and quietly to repeal all existing laws, is arrant humbug."<sup>11</sup>

But reason does not by itself provide a set of principles for right conduct. While the power of reasoning is common to all, there is no law of reason with a universally accepted content to which men spontaneously agree. Reason is habitually the tool of partial interests. To remove all existing law would encourage the liberties of those who could use their reason in acquiring and manipulating other forms of power. A modern situation coming nearest to one in which there is an absence of all law is in the relation between different national groups. Here the absence of a universal and compulsive law means liberty for the most powerful nations and servitude for the weaker. Hobbes said that "nature hath made men so equal" that in the absence of law none would have much power over others.<sup>12</sup> But Hobbes also noted that in the event of an absence of law, common needs would still bring men together into groups of varying power. Most anarchists have held that under such conditions men would rally to universal common interests. It is far more likely that men would be united

<sup>11</sup> Thomas Hodgskins, *The natural and artificial right of property contrasted* (London, 1832), i.

<sup>12</sup> Thomas Hobbes, *Leviathan*, Chapter XIII, 94



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by common interests limited to mutually hostile groups. For an absence of law would mean an absence of even the minimum of predictability as to men's actions which law assures. Men would tend to join together in small groups to secure the necessities of life against seizure by others. As Hobbes vividly said, "where men have lived by small Families, to robbe and spoyle one another, has been a Trade . . . so now do Cities and Kingdomes which are but greater Families (for their own security) enlarge their Dominions . . . endeavour as much as they can, to subdue, or weaken their neighbours, by open force, and secret arts, for want of other Caution."<sup>13</sup> In the absence of law, reason becomes the tool of conflicting groups and the liberty of one means the subjection of others.

Marx sought to escape the fact of conflicting interests in still another way.<sup>14</sup> He assumed that men trained for communal work during the last stages of capitalist industry would spontaneously agree to a non-political plan for the coördination of social life. Because the purposes of all workers had been gradually remolded by the experiences of life under a maturing capitalism in the direction of inclusive common interests, a common plan of action would be welcomed. They would see in this plan what they wanted to do, and would follow its dictates without constraint. So the workers of the world would live in harmony with one another. States as such

<sup>13</sup> *Ibid.*, Chapter XVII, 128-129.

<sup>14</sup> See Eduard Heimann, *Communism, Fascism or Democracy?* (New York, 1938), Chapter III.



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could very well cease to exist. They could do nothing but restrict liberty. Without them there would be a realm of freedom. The problem of liberty would be solved with the destruction of capitalist states and all their institutions.

This position rests on the faith that all men's interests can be molded by suggestion and habit into common interests. In a previous chapter we saw the fallacy of this faith. It will suffice to note here that a maturing capitalism has not noticeably decreased the conflicts among purposes that even the workers wish to pursue. While the Russians never passed through what Marx called the late stages of capitalism, nations presumably nearer to these stages are not visibly creating a proletariat willing to agree voluntarily to a common non-political plan. Citizens with the lowest standard of living are still vigorously supporting conflicting capitalist party programs in an effort to influence and determine the policies of the capitalist state.

A further fallacy, however, underlies such anarchist and communist arguments. Even if a situation did arise in which men rallied to common interests, the liberty of each would not necessarily subsist alongside the liberty of all. There are two different forms of political restraint. One is the restraint placed upon like and unlike interests to keep them within bounds. Such are all protective laws safeguarding labor, laws regulating economic competition, or those controlling the activities of political parties and pressure groups. Another form is the restraint which makes possible the pursuit of com-



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mon purposes. Effective pursuit of an economic program requires regulations. Most anarchists and classical communists saw this, but they did not understand the nature of these regulations. It was assumed that a few rules would receive unanimous assent just because everyone had agreed on the end which they were designed to serve. But this is to ignore the fact that while men may rally to common purposes, they do not so readily agree on methods for attaining accepted ends. Suppose that all men were enthusiastic about scientific research. They wanted it to flourish whether they could profit from it directly, indirectly, or not at all. They even agreed that the best way to encourage it was to subsidize research projects with money from the national treasury. Given this consensus of opinion on ends, is it likely that all men would be spontaneously in agreement on the proportionate distribution of the subsidy among different projects? Regulations making possible one distribution would frustrate exponents of another method. Men's liberties would conflict, not because men differed about the goal they believed in, but because they could not agree on the manner of reaching it. This applies also to the administration of a common economic program. Men may heartily agree that a given number of bushels of wheat are to be raised annually. But the regulation setting specific quotas of production would invariably force some farmers to raise more or less than they wished. All might want the profits of industry turned into a fund for public purposes, for socialized wages, for the maintenance of an army, for the construction of public build-



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ings. But any set of rules which assured one distribution would disappoint the protagonists of another. The liberty of men to administer the fund in one way would destroy the freedom of those who wished to have it administered in another.

As long as liberties conflict, either because men pursue purposes which are not common or harmonious, or because they do not agree on the means of achieving generally accepted ends, the abolition of law will never be followed by liberty for all. It will mean a realization of the liberties of some people at the expense of the freedoms of others. "Withdraw the police from the streets of the towns, and you will, it is true, cease to interfere with the liberty of the criminal, but the law-abiding citizens will soon find that they are less free than before."<sup>15</sup>

The problem of liberty is often reduced to the mere removal of laws on the basis of still another assumption. Some writers explicitly claim and others take for granted that the relation of liberty to law can be isolated as a problem from the relation of liberty to all other forms of constraint. Jean Salvaire carefully assures us that he is limiting his discussion strictly to the issue of relating liberty to law, and will not be considering other possible types of restraint. "There are many other forms of liberty corresponding to other types of authority (familial, religious, economic . . .). . . . In this work we adopt a purely political point of view and consider liberty only

<sup>15</sup> Liberal Party Inquiry, *Britain's Industrial Future* (London, 1928), xix.



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in relation to the state."<sup>16</sup> Part of the argument in John Stuart Mill's famous study, *On Liberty*, rests on the supposition that in the absence of legal regulation an activity will be free. Mill assumes that if the law lets men alone in spheres of activity where their actions affect only themselves, men will be free.<sup>17</sup> Herbert Hoover believes that if men are left relatively alone by law in one area they will be free not only in that area but in others. If men are free to work out their destiny in the economic field without the help of government, they will have economic, intellectual, cultural and spiritual freedom.<sup>18</sup>

Provided the only form of restraint were political, freedom from political controls would produce a realm of freedom. John Stuart Mill and Jean Salvaire would then be justified in believing that the removal of laws in any area would mean an increase of freedom. But the presence of non-political restraints must qualify the whole analysis of the relation of liberty to law. Just because men are let alone by the government their liberty is by no means assured, since freedom from control by governments may result in servitude to another form of coercion. This is peculiarly true in the field of economic activity. Where share croppers are left to themselves by government they are oppressed by independent cotton-planters. Where employers are allowed scope by government to determine wage levels they may be coerced by labor unions to raise them. Small business men have

<sup>16</sup> Jean Salvaire, *Autorité et Liberté*, 66.

<sup>17</sup> J. S. Mill, *On Liberty*, Chapter IV.

<sup>18</sup> Herbert Hoover, *The Challenge to Liberty* (New York, 1934), 2.



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been left pretty much on their own by law, but they have been bothered by their bigger brothers. Moreover, power in the economic world is not only used against liberties in that same area: it may be used to restrict liberties in some other field of activity altogether. In the sphere of cultural life the law may be relatively silent, but the concentration of economic power has led to the direction by a few men of the cultural life of many communities. In some cases the life of whole towns has fallen under the arbitrary control of one company. What is a condition of liberty from law may be bondage to another form of compulsion.

Any conception of the problem of liberty as involving simply the removal of laws makes for confused political activity. On the one hand it justifies men in pressing for the removal of one law after another. This is still popular tactics among many modern anarchists and *laissez-faire* liberals. Such methods result in giving and denying liberties without any regard for their relative importance. Herbert Spencer did not even want the government to operate the mint or the post office or to erect lighthouses and life-saving stations.<sup>19</sup> On the other hand, men are encouraged to posit a 'realm of freedom' in the far future where all law will have finally been removed. This outlook draws men away from dealing with actual alternatives. Anarchists have absorbed themselves in dreams of this lawless Utopian society of liberty for all, thereby ignoring the practical problem of establishing actual conditions in society that would support impor-

<sup>19</sup> Herbert Spencer, *Social Statics* (New York, 1896), 221 ff.



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tant liberties. Communists have engaged in the criticism and analysis of capitalist institutions, apparently assuming that the problem of liberty would take care of itself in a stateless society. Socialist thinkers as a result of the failure of the Socialist movement in Germany and of increasing rigidity in the dictatorship of the Communist party in Russia have only recently begun to reëxamine the problem of liberty which their movement involves.

The propositions under consideration infer not only that to remove political restraints is to increase liberty. They rest also on the reverse form of this inference, that every political restraint is invariably an interference with liberty. Liberty is thought to exist only where law does not exist. As Hobbes said, "The Liberty of a Subject, lyeth therefore only in those things, which in regulating their actions, the Sovereign hath praetermitted: . . ." <sup>20</sup> Law curtails liberty. The presence of law creates a situation in which there is either less freedom or none. Having defined liberty negatively as the absence of restraint, the political conditions of liberty are also made negative. So the case is stated as liberty *vs.* law, and the problem of liberty is conceived not only as involving removing old laws, but preventing the enactment of new ones.

Laws prescribe one alternative of action in terms of a defined situation. They either positively require men under certain specified conditions to take that alternative, or they negatively forbid them to take any other.

<sup>20</sup> Thomas Hobbes, *Leviathan*, Chapter XXI, 163.



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And as we have seen, laws are products of something less than the will of all the people. At most they represent the will of a majority, often that of a determined and powerful minority. So it is certain that almost every law passed under any form of government prevents someone from doing as he wants by offering him one undesired alternative. The variety and fluctuating nature of human wants and abilities result in all political rules restraining the liberties of some. "All coercive laws, therefore . . . are, as far as they go, abrogative of liberty."<sup>21</sup>

It does not follow, however, from the fact that law restrains some liberties that law restrains liberty itself. To begin with, in so far as men are not inclined to do what the law forbids, the law is no curtailment of their freedom. Anatole France once said, ironically: "The law in its majestic impartiality forbids the rich as well as the poor to sleep under bridges, to steal purses, and to beg for bread."<sup>22</sup> Since men of means are seldom tempted to sleep beneath bridges, the presence of a law hindering them from doing so has no effect upon their liberty. In such cases the law restrains only the liberties of the poor and underprivileged. Laws establishing steeply graded income taxes on incomes above \$1,000,000 prevent men well-off from using their means as they otherwise would. While such men may strenuously object to those taxes as encroachments on their freedom, men less well-off re-

<sup>21</sup> Jeremy Bentham, "Anarchical Fallacies," *The Works of Jeremy Bentham* (Edinburgh, 1843), Vol. II, 503.

<sup>22</sup> Cited by Anna Louise Strong in *The New Soviet Constitution* (New York, 1937), 95.



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main unconcerned. Men are free within the law to the extent that they do not desire, are not able, or do not otherwise have means to do what the law forbids.

Further than this, any law while restricting some liberties may make or sustain others. A law which forbids employers to organize company unions prepares a situation in which employees can be unobstructed in their program of unionization. A law requiring those practicing medicine to be licensed doctors, while denying the freedom of the unlicensed, sustains the liberty of the licensed. Death for the pike is freedom for the minnows. Law does not lessen liberty as a whole. In saying that law has lessened liberty we must ask whose liberty has it lessened and liberty to do what? And we have also to ask whose freedom has the law enlarged or sustained and freedom to do what?

The positive side of the relation of law and liberty is ignored in all the propositions we are considering. If law is an instrument which, while curbing some liberties, makes others, there is the possibility that law by limiting some liberties will increase others. If law does not lessen freedom as a whole the judicious manipulation of restraints may prepare a situation in which a larger number of freedoms is possible. "Often more law may mean more liberty."<sup>23</sup>

In the first place, because the liberties of different people conflict, restraint upon some people's liberties in one area of experience may give other people more liberties in that same area. A law hindering a few people

<sup>23</sup> Liberal Party Inquiry, *Britain's Industrial Future*, xix.



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from following certain cultural, economic, or political interests may prepare a situation in which many people are freer than they were before to pursue other interests in these same spheres. So the liberty of a hundred men to compete for a civil service position may be protected by restraints upon one politician who wished to keep that position as spoil for a henchman. So the liberty of ten million workers to organize their own unions is made possible by a law which stops a few thousand employers from dismissing laborers solely on the grounds of union activity. Laws may thus extend the freedoms of certain people. Anarchists have denied that law has any such positive function. Laws are the enemy of liberty. Some anarchists, like the American, Benjamin Tucker, admit that it may be necessary to employ the equivalent of law in any anarchist society to prevent the interference of one individual with the liberty of another, but this equivalent is felt to be only a necessary evil.<sup>24</sup> There is no recognition of the way in which law may be used constructively to extend what people feel are the important cultural, economic, or political liberties.

In the second place, because restraints upon individual activity are not only political, a law by restricting forms of non-political coercion such as economic power, may leave acts in other areas of experience more free. We have seen that restraints come from other sources than law. It is true that the legal code differs from these other forms of restraint. It differs from the code of other associations for its sanction cannot be so easily dodged

<sup>24</sup> Benjamin Tucker, *Instead of a Book* (New York, 1897), 39.



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by the sacrifice of membership. The rules of a church or of an Association of Manufacturers are conditional on a membership which can be given up with relative ease. Law differs from these other codes and also from custom and public opinion, for law in the last resort is sanctioned by force and is binding on all citizens and residents within the jurisdiction of the state. Anarchists hold that this compulsive and all inclusive character makes it inevitable that law will singularly interfere with liberty. This also troubles Mr. Laski.<sup>25</sup> Moreover, such concern is justified. But Mr. Laski and the anarchists ignore the other side of the matter, that these same qualities make law peculiarly a serviceable instrument in preparing conditions for liberty. Just because all employers would have to abide by a law forbidding child labor above fifteen years (or suffer the consequent punishment) all children below fifteen would have a greater chance at the liberty to obtain an education. Just because every nation would be required to abide by a thoroughgoing disarmament program, the smaller nations would be less menaced by aggressor nations, and therefore freer to devote national income to the enhancement of cultural life.

Locke saw that law can thus enlarge liberty and extend what are deemed important freedoms. He said, "The end of law is not to abolish or restrain, but to pre-

<sup>25</sup> Harold J. Laski, *Liberty in the Modern State* (New York, 1930), 25-26.



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serve and enlarge freedom.”<sup>26</sup> But even Locke did not fully appreciate the positive way in which law may effect this consequence. To Locke law was only an instrument for protecting the liberties of some by preventing the liberties of others. Law enlarged liberty only by curbing the encroachment of a part of the group on the freedoms of the rest. But law may not only negatively prevent encroachment on freedom: it may also be the necessary condition of freedom. The law will never make all men free. But Thoreau is wrong when he says, “The law will never make men free. . . .”<sup>27</sup> For a law makes some men free. In so far as a man’s purposes correspond to those which are expressed in the law, the law is a condition of his freedom. When a number of people pursue common causes which they find sustained in the law, that law is a condition of their liberty. This fact is ignored both by those who hold with Hobbes that law has *no* function in relation to liberty but to decrease it, and by those who believe with Locke that law has *only* a negative function of enlarging liberty by preventing encroachments on liberty.

The fact that law and the liberty of certain people can actually be reconciled is generally ignored because of an erroneous conception of men’s interests. Men are thought of as essentially isolated individuals with self-limited concerns. Hobbes wrote: “. . . men have no pleasure,

<sup>26</sup> John Locke, *Two Treatises on Civil Government* (London, 1884), Book II, Chapter VI, 219.

<sup>27</sup> Henry David Thoreau, “Slavery in Massachusetts,” *Thoreau: Philosopher of Freedom* (New York, 1930), 48.



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(but on the contrary a great deale of grieve) in keeping company, where there is no power able to over-awe them all. For every man looketh that his companion should value him, at the same rate he sets upon himselfe: And upon all signes of contempt, or undervaluing, naturally endeavours, as far as he dares (which amongst them that have no common power to keep them in quiet, is far enough to make them destroy each other,) to extort a greater value from his contemnners, by dommage; and from others, by the example.”<sup>28</sup> A German anarchist has said: “I do nothing ‘for man’s sake,’ but what I do I do ‘for my sake.’” “We have only one relation to each other, that of usableness, of utility, of use.”<sup>29</sup> So these writers deny, what we have strenuously affirmed, that man pursues inclusive interests as well as self-limited ones. They hold that man has no relatively stable inclusive concerns which bind him in communities. Law can then be only an expression of the self-limited interests which make it. Hobbes held that laws were merely instruments for safeguarding men against the consequences of their own selfish natures, which would be violated “without the terrour of some Power, to cause them to be observed.”<sup>30</sup> To Stirner law is a device for repressing individual interests in the supposed interest of the community. He says: “Since the State . . . has to do only for itself, it does not take care for my needs, but takes care only of how it shall make away

<sup>28</sup> Thomas Hobbes, *Leviathan*, Chapter XIII, 95-96.

<sup>29</sup> Max Stirner, *The Ego and His Own* (London, 1915), 425, 394.

<sup>30</sup> Thomas Hobbes, *Leviathan*, Chapter XVII, 128.



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with me." "Through the State nothing *in common* comes to pass."<sup>21</sup>

When writers thus fail to conceive of law as an expression of inclusive group purposes, they do not understand that law and the liberty of a group of people can actually be reconciled. In so far as the law sustains men in doing as they wish to do or are in the habit of doing, the law is a condition of their liberty. The members of a privileged class, for example, are free in so far as the laws which they enact secure their privileges. Members of an underprivileged class are free to the degree that law embodies purposes which for one reason or another they support. I am free by the law to the extent that the law expresses common interests which I share with others or sustains my interests which are so harmonious with others as to be supported in a common program of action.

We showed in the preceding chapter that the relation of liberty to law is not adequately put when it is stated as liberty *by* law. In this chapter on the other hand we see that the relationship is not one of liberty *vs.* law. Liberty does not lie merely in the interstices of law. Liberties are not found only where there is no law. They depend for their existence upon certain kinds of laws. Law not only curtails liberties: it is to some degree their condition. Laws may prepare a situation of greater liberty for many, and they may *be* the condition of liberty for some.

<sup>21</sup> Max Stirner, *The Ego and His Own*, 416, 298.



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So while liberty is defined negatively it does not follow that the political conditions of liberty are also negative. Because freedom is absence of restraint it does not follow that it is the absence of *all* political restraint. Arthur Holcombe rejects the literal definition of liberty on the ground that it is compatible with nothing but anarchy.<sup>32</sup> Irving Fisher also says: "If by personal liberty we mean freedom from legislative restrictions, it is synonymous with anarchy."<sup>33</sup> But in accepting the literal meaning, one is not logically driven to repudiate all political authority. Because freedoms conflict and because there are non-political forms of constraint which may curtail liberty, the political conditions which make for any man's liberty are in part positive. One such condition, already noted, is the presence of political restraints promoting a certain distribution of resources. The presence of the appropriate means to do as one wants is no guarantee of freedom, but it enlarges the area in which a man may be free. A second condition is the presence of political restraints denying some liberties and sustaining others. The presence of law is no guarantee of freedom; it may deprive many of freedom; but it may also assure a situation in which some people have more liberty, or it may be the condition of liberty for others. A "system of liberties is, therefore, the obverse of an enforceable system of restraints."<sup>34</sup>

The setting up of two such alternative possibilities as

<sup>32</sup> Arthur N. Holcombe, *The Foundations of the Modern Commonwealth* (New York, 1923), 258.

<sup>33</sup> Irving Fisher, *Prohibition and Personal Liberty* (Westerville, 1926), 5.

<sup>34</sup> L. T. Hobhouse, *The Elements of Social Justice* (London, 1930), 59.



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liberty *or* law, and then disposing of as much of the latter as possible in order to assure the former is a game far removed from reality. These alternatives have never existed in history. They are figments of the imagination. And yet this game is the familiar trap into which men fall when they have accepted the literal meaning. Actual alternatives are one system of legal restraints making possible a certain distribution of means and liberties and some other system making possible a different distribution. The political problem of liberty in any community is not to remove as many constraints as possible, nor to prevent the presence of new restrictions. It is so to manipulate political restraints that the important liberties will appear among the goods which are made possible.



## CHAPTER VI

### *Fundamental Liberties*

RALPH BARTON PERRY HAS RIGHTLY SAID: "IF LIBERTY means the conceding of liberty, the delimitation and distribution of liberties within a social order, then it is perhaps the most difficult, as it is the most urgent and fruitful, of all arts."<sup>1</sup> Only by rating liberties according to their relative importance can this problem be adequately dealt with. Since in any social order some liberties are inevitably sponsored at the expense of others, if we cannot discover clear grounds on which to determine the fundamental liberties which *should* be sponsored, the matter must remain one of expediency alone.

We have seen that claims for liberty spring from the desire of men to give expression to their individuality. They are rooted in man's wish to be "a self, a center of activity and response expressive of a nature that is his own."<sup>2</sup> From Ruskin wanting to put his finger on the tea-urn to the Germans wresting the management of their affairs from the hands of other nations, men who

<sup>1</sup> Ralph Barton Perry, *In the Spirit of William James* (New Haven, 1938), 152-153.

<sup>2</sup> R. M. MacIver, *Society* (New York, 1937), 47.



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ask for liberty are eager to act with initiative and independence of judgment.

It is not to be wondered at that demands for liberty root in this desire of men to express their own natures. For whatever else a man has, he initially has himself. Having oneself antedates and underlies every other form of possession. With oneself so inalienably on one's hands the primary desire is to do with oneself what one wants to do, and the urge to use other possessions as one desires is a derivative of this more central passion. The Chinese language bears witness to this indubitable psychological fact by the connotation of its word for liberty. Liberty in Chinese means self-permissiveness—permission to be oneself. At the basis of whatever men care to do, are capable of doing, and have means otherwise to do but are prevented from doing is this ineluctable desire to do *with themselves* what their natures seem to demand.

This basis of every claim for freedom is apparent not simply when men who are restrained from doing as they want demand liberty. It is also at the root of schemes by which some men seek to provide for the liberation of others. John Stuart Mill, maintaining that freedom is the essential condition for the growth of individuality in its richest diversity, believed that if "it were felt that the free development of individuality is one of the leading essentials of well-being . . . there would be no danger that liberty should be under-valued."<sup>3</sup> "It is not by wearing down into uniformity all that is individual in

<sup>3</sup> J. S. Mill, *On Liberty*, 95.



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themselves," he said, "but by cultivating it, and calling it forth, within the limits imposed by the rights and interests of others, that human beings become a noble and beautiful object of contemplation."<sup>4</sup> Karl Marx, popularly considered a prophet of regimentation, sought the emancipation of man to make it possible for him "as a many-sided being" to realize himself "in a many-sided way."<sup>5</sup> He speaks of the "self-estrangement" of man under capitalism, where his otherwise manifold nature is distorted by the single motive of possession, and his individual work is merely an item in the business calculation of others.<sup>6</sup> He urges man to appropriate his own work and to live "als ein Totaler Mensch"<sup>7</sup> with all "the facets of his human and natural being."<sup>8</sup>

Even those plans for man's liberation which recognize only a specifically defined *good* individuality are defended as measures for releasing man's own nature. Harold Laski has wisely spoken of "that passion for self-realization which has always lain at the root of the idea of liberty."<sup>9</sup> So fundamental is this passion that even Hegel, Gentile, Rosenberg, and their disciples build their arguments for liberty in terms of it. They try to demonstrate that a certain mode of living is conducive to the realization of a 'true individuality.' By defining

<sup>4</sup> *Ibid.*, 105.

<sup>5</sup> Karl Marx, "Zur Kritik der Nationalökonomie," Drittes Manuskript, *Marx/Engels Gesamt-ausgabe* (Berlin, 1932), Erste Abteilung, Band 3, 118.

<sup>6</sup> *Ibid.*, 111-112, 118.

<sup>7</sup> *Ibid.*, 118.

<sup>8</sup> *Ibid.*, 121.

<sup>9</sup> Harold J. Laski, "Liberty," *Encyclopaedia of the Social Sciences*, 443.



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this individuality as conformity to some specified standard of the good, they open the way for its impairment in its own name.

Every claim and argument for liberty is thus based on a common logic: that liberty is effective in releasing the individuality of men. In thus going back to what the idea of liberty stands for we have found our criterion for distinguishing the relative importance of different freedoms. There is ground for believing that some liberties are more essential than others *as conditions for releasing the actual individuality of man.*

From this point of view, liberties in the cultural sphere demand special recognition. Cultural activities are pursued mainly for their own sake, as ends in themselves, and not as means to some further satisfaction. A man's thoughts, his emotional attachments, his art, literature, religion, and recreation yield him *direct* enjoyment. It follows that the worth of such interests to the individual lies in their being spontaneous expressions of himself. Intellectual efforts, movie films, religious philosophies, and games, have value for a man in so far as they are responses to his inwardly determined wants and convictions. They lose all their worth once personal desire and belief are absent.

Because the value of cultural activity lies in the willingness and conviction with which it is carried out, its free performance is fundamental to individuality. For, in the first place, any attempt to control such activities is felt peculiarly as an interference with one's nature.



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This is due to the fact that doing with ourselves what we want to do depends above all on the practices and observances which appeal to us for their own sake. To suppress a man in realms where he finds inner satisfaction and a sense of well-being is to tread on ground most intimate to himself. Men most quickly resent coercion in areas where their contentments lie.

Moreover, only the individual is able to guarantee that an activity is the spontaneous expression of his own nature. When someone else seeks to make this guarantee for him, his individuality is radically impaired. This is clear above all in the case of the state. For the state has no means at its disposal to produce voluntary processes of thought and experience upon which individuality in cultural activity depends. It may try to replace current ideas and practices with others which groups in power believe men *ought* to accept, and such authoritarian cultures will always be welcomed by some whom they satisfy, and others whom they come to satisfy over a period of years. But neither willing acceptance nor the processes of habituation are within the power of the state to assure.

Law can prescribe external actions, but it has no power of control over motives. Laws may be passed, for example, to force the renunciation of ideas and practices believed to be dangerous; as John Keate, onetime Headmaster of Eton, said to his students: "‘Blessed are the pure in heart.’ Mind that; it’s your duty to be pure in heart. If you are not pure in heart, I’ll flog you.”<sup>10</sup> But flogging offers no guarantee that a man who

<sup>10</sup> Cited by H. C. Maxwell Lyte in *A History of Eton College*, 1440-1875 (London, 1875), 373.



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may henceforth speak or act as he is commanded will be pure in heart. The state may employ propaganda to encourage relative silence. "Discussion of matters affecting our existence and that of the nation must cease altogether."<sup>11</sup> "The art and strength of keeping silent must be taught from youth onward."<sup>12</sup> But silence is not positive assent. On the contrary, it sometimes happens that "keeping silent . . . acts as an admonition and an inspiration in the unanimity of conformism and shame."<sup>13</sup> Force may even be used to exterminate the unregenerates. But total suppression makes conversion impossible. William Ernest Hocking is right: "The ultimate inner life is noncollectivizable. It can be killed, but it cannot be bound."<sup>14</sup> Power enjoyed by any group of persons brings no assurance that their ideas and practices will prove either immediately or permanently satisfactory to others. Men cannot help having ideas and forming habits, but they may modify or reject altogether any mode of belief or living which is inculcated by authority, if it proves out of harmony with their own natures. They would have to take the consequences of their stubbornness, but the fact remains that the "law of the state . . . never can be the law of the spirit, which is wholly within me."<sup>15</sup> In cultural realms the in-

<sup>11</sup> National Socialist Governor of Thuringia, June 20, 1933, cited in Robert A. Brady, *The Spirit and Structure of German Fascism* (New York, 1937), 31.

<sup>12</sup> Major-General F. F. vonUnruh, *The New York Times*, January 10, 1938.

<sup>13</sup> G. A. Borgese, *Goliath* (New York, 1938), 301.

<sup>14</sup> William Ernest Hocking, *The Lasting Elements of Individualism* (New Haven, 1937), 136.

<sup>15</sup> R. M. MacIver, *The Modern State* (London, 1928), 155.



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struments of government can be used to suppress individuality but they cannot elicit it.

Hobbes agreed that a government had no means to evoke individuality in religious matters. A famous passage runs: "But what . . . if a King, or a Senate, or other Sovereign Person forbid us to beleeve in Christ? To this I answer, that such forbidding is of no effect; because Beleeve, and Unbeleeve never follow mens Commands. Faith is a gift of God, which Man can neither give, nor take away by promise of rewards, or menaces of torture."<sup>16</sup> But Hobbes proceeds to use this fact to justify the government in controlling religion. Since the government cannot determine religious faith it does not matter if it prescribes articles of belief and forms of public worship which all *must* outwardly accept. Hobbes says, for example, "A private man has alwaies the liberty, (because thought is free,) to beleeve, or not beleeve in his heart, those acts that have been given out for Miracles. . . . But when it comes to confession of that faith, the Private Reason must submit to the Publique."<sup>17</sup> Or again, he writes: "those Attributes which the Sovereign ordaineth, in the Worship of God, for signes of Honour, ought to be taken and used for such, by private men in their publique Worship."<sup>18</sup> But such a substitution of state-enforced religion for one arising from individual conviction and experience inevitably rules out spontaneous variety in religious profession and thereby imperils individuality in religious matters.

<sup>16</sup> Thomas Hobbes, *Leviathan*, Chapter XLII, 387.

<sup>17</sup> *Ibid.*, Chapter XXXVII, 345.

<sup>18</sup> *Ibid.*, Chapter XXXI, 283.



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This fact becomes even clearer when we note what happens when a state endeavors positively to control the whole of cultural life. The National Socialists are making efforts to enforce a true Germanic culture. Those Germans who share pure Nordic blood, and its derivative the Volkseele, are declared to be destined for a unique cultural expression. And since the Volkseele is supremely embodied in the Führer, he has the duty of making sure that every other activity participates in the spirit which dwells in him. A political ideal is, therefore, posited for every cultural activity. Set over against the ideal is its counterpart, the derivative of polluted blood, Jewish degeneracy. There is a true Germanic fashion: "What we hope ultimately to secure is simply a single German fashion."<sup>19</sup> "Jewish taste will always be coloured by racial feeling and can never conform to Nordic taste: . . . Jewish fashions lead to spiritual decadence, profane the relations of the sexes, and cripple our racial substance, the strength of our people."<sup>20</sup> There is a Germanic art: "Free competition in the art market is a good thing . . . when it is used, however, to . . . make fashionable what are insignificant and un-German artists, at the expense of others, who can offer what is better, more noble, and more significant, it belongs to the devil and falls into the sphere of Jewish and un-German business practices."<sup>21</sup> So in every cultural field a *true* race-

<sup>19</sup> Kurt Engelbrecht, *Deutsche Kunst im Totalen Staat* (Lahr in Baden, 1933), 133.

<sup>20</sup> Cited from "National Socialist Girls' Education," June, 1938 in *The Manchester Guardian Weekly*, June 17, 1938.

<sup>21</sup> Kurt Engelbrecht, *Deutsche Kunst im Totalen Staat*, 172.



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bound position is presented. In religion, it is National Socialist Christianity. "The primacy of the State over the Church must be recognized. The primary assumptions of the State as we have it to-day, expressed in Race, Blood and Soil, must be inviolable for the Church too. The National Socialist Party represents a Positive Christianity. The question of the Divinity of Christ is ridiculous and unessential. A new authority has arisen as to what Christ and Christianity really are—*Adolf Hitler*."<sup>22</sup> There is a National Socialist science. "The new science is entirely different from the idea of knowledge that found its value in an unchecked effort to reach the truth."<sup>23</sup> It rests on decretals, in the natural sciences for example, that character is determined by heredity and not environment, or that to permit alien and Nordic germ plasma to mix is racial suicide; in the social sciences, that the Jews are the sole cause of unemployment, or that all pacifists have Jewish blood.

The over-simplification of alternative modes of expression occurs in any attempt to control cultural life. It is one thing when a church, a recreational club, or professional association enforces certain beliefs and practices among its members, where no one need belong to these groups if he is out of harmony with their doctrines. The very fact that a man can join or leave them voluntarily is conducive to his participating in them only as long as the rules imposed upon him are welcomed. And

<sup>22</sup> Herr Kerl, Minister for Church Affairs, February 13, 1937, cited in *The Protestant Opposition Movement in Germany 1934-1937*, Friends of Europe Publications No. 55 (London, 1937), 24.

<sup>23</sup> Bernhard Rust, *The New York Times*, June 30, 1936.



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the presence of a variety of such primary groups actually serves to foster and encourage men's variant cultural interests. But with the state it is otherwise. Men do not have the easy alternative of withdrawal from the state. Whenever it enters the field of culture in a positive way it must act through law binding on all within its borders, regardless of their personal predilections. To secure even the semblance of uniformity by means of law, in areas where men normally differ and disagree, resort has to be made to the familiar categories of black and white, devils and angels. So if one does not accept National Socialist conceptions of "whatsoever things are true, whatsoever things are honorable, whatsoever things are just, whatsoever things are pure, whatsoever things are of good report," one has Jewish blood or has been otherwise tricked by Jews. Every idea or practice regarded as dangerous to the policies of the regime is subsumed under Jewish degeneracy. So pacifists, liberals, Marxists, nudists, feminists, modernists in art and music, Christian Socialists, Freemasons, Internationalists, all become tools of a Jewish world conspiracy. The only possible positions in any field become extremes. All intermediate beliefs and attitudes are ignored. Just so the Puritan theocrats called men the 'saved' or the 'damned' and Mayor Hague labels his compatriots 'absolutely good Americans, true Americans,' or 'Reds.' If one is not a sheep one is a goat. While there is a difference in the degree to which Mayor Hague and the National Socialists apply their naïve distinctions there is no im-



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portant difference in the destruction of individuality implied in denying the richness of cultural expression.

Unless fashion is allowed to arise from personal taste, art from interior creativity, religion from individual conviction, and science from voluntary research, with all the diversity of performance and disagreement over results which this entails, culture is corrupted, and individuality thereby impaired. Some have said this even under dictatorship. So Bishop Sproll of the Catholic Diocese of Rottenburg, Germany, remarked: "The church that ceases to be a free institution and becomes a mere handmaiden of the secular State loses all value."<sup>24</sup> Or as an intellectual living in Italy had the courage to write: "An artist with the face of a corporal, a scientist with that of a sergeant . . . such are not really artists or scientists . . . but just imbeciles."<sup>25</sup> The gist of the matter is that individuality is aided where men participate in cultural activities congenial to their nature, and congeniality is assured only when men are permitted to do as they themselves desire. The release of individuality depends upon an absence of political restraint on cultural life. One fundamental liberty is that which leaves men unimpaired in the expression and development of their particular tastes and beliefs.

There is reason for believing that the condition of individuality in the economic sphere is not the full liberty

<sup>24</sup> *The New York Times*, August 26, 1938.

<sup>25</sup> Benedetto Croce, "Authority or Liberty? The Fallacy of Discipline," *The Manchester Guardian Weekly*, April 2, 1937.



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for all to do as they like. Economic activities are a search not so much for direct enjoyment, as for means useful in securing other satisfactions. Running a business or a bank, working on a farm or in a factory may in certain of their aspects yield immediate satisfaction. These aspects we will consider. But the value of such interests lies to a great degree in their yielding means for the gratification of other interests. The value of scrubbing floors, being a shareholder in a corporation, investing money, being a member of a mutual insurance company, or mining coal is largely dissipated once such efforts fail to bring returns which are at least adequate to the maintenance of life.

In the economic sphere where activities have value for the individual in part because of the means of living they supply him, political restraints may be compatible with a greater individuality. To begin with, the impact on one's individuality is less direct when means are controlled than when the expression of values and tastes is suppressed. Where activities depend for their worth on the spirit in which they are performed, to lose liberty is to lose everything. This is the significance of Thomas Mann's great plea for the spiritual liberties.<sup>26</sup> But where activities have worth in large part because they produce goods or services, the loss of liberties is not experienced as the dissipation of all value. If a man's goods are increased, following the loss of some particular economic liberty, *no* resentment is likely to be aroused. Even when a man is actually deprived of goods by the imposition of

<sup>26</sup> Thomas Mann, *An Exchange of Letters* (New York, 1937), *passim*.



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higher income taxes or compulsory social security payments, his privation is not immediately felt as an infringement of his individuality. The desire to do *with oneself* as one wants is only indirectly effected when objects and means are controlled. Their removal or prescriptions for their use will almost surely cause resentment if they would have otherwise been used for a personally desired end. But control of them, within limits, still leaves untouched the most intimate outlets of individuality.

Moreover, one essential condition of individuality is the presence of means to do as one desires. But the importance of means as conditions for individuality depends upon their usefulness, and it is an old story that as means increase they tend to have a diminishing use to their possessor. It follows that a more equal distribution of means tends to a greater service, and therefore to a greater individuality. In this respect, the fundamental liberties would be those which contributed to the greatest equality of means.

Whereas the state does not possess appropriate instruments to elicit individuality in the cultural sphere, it is better equipped than economic groups to promote an equality of means. In some degree economic and political power provide alternative methods for identical ends. The economic corporation is an instrument for wealth producing and wealth distributing as is the state in certain of its aspects, as for example, public industries, taxation, and social legislation. But the centralization of control and direction which characterizes the political



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method in contrast to the relative decentralization of control implied in the economic method peculiarly fits the state for the function of equalizing means. In securing all men the chance to work, for example, the state, unlike the economic corporation, can call on everyone in the community to assist in a program and to undertake obligations in respect to it. It can restrain those who seek to frustrate the program. Moreover, it alone can command resources adequate to sustaining an extensive plan over a period of years. What applies to securing all men the right to work, applies also, and for identical reasons, to securing them a minimum wage, old age insurance, unemployment insurance, adequate housing, public parks and beyond these most concrete opportunities, the chance for an education, and leisure. Where the state can equalize the service of available means, and secure that service better than any other group there is no justification for denying it this function on grounds that certain liberties are impaired, provided only that the liberties denied are less essential to a widespread individuality than the means made available and the freedom for which the way is prepared.

Some men hold that liberty in any area should be denied on one condition only. Herbert Spencer wrote: "*Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man. . . . We must . . . adopt this law of equal freedom in its entirety, as the law on which a correct system of equity is to be based.*"<sup>27</sup> Or as was more recently said: "liberty to

<sup>27</sup> Herbert Spencer, *Social Statics*, 55.



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live one's life, with only such restrictions as are necessary in order to assure the equal liberty of others."<sup>28</sup> There is some value in the application of this principle to cultural pursuits. For men *can* develop their particular tastes and think as they please without depriving others of the equal liberty to have their tastes and beliefs. Cultural interests are essentially common or harmonious. Men can diverge in matters of dress, recreation, literary judgment, scientific conclusions, and religious conviction without mutual interference. There are times when cultural groups, ostensibly engaged in the pursuit of a religious or scholarly end, threaten or use physical force to prevent another group from expressing its beliefs. In such a situation a state acts in the interests of greater individuality by restricting the liberty of the aggressive group. But under conditions of mutual toleration where men associated in groups congenial to their interests express themselves in diverse ways without hindering others from an equal freedom of self-expression, liberty of expression increases individuality, and is not incompatible with the security of each in the possession of his liberty.

When Spencer's principle that every man should be free provided he hinders no one else from an equal freedom is applied to the area of economic pursuits, it is unconvincing on two scores. In the first place, in many concrete situations, men do not desire equal economic liberties but another kind of privilege altogether. If

<sup>28</sup> Harold Ickes, *The New York Times*, February 23, 1938.



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some steel corporation dismisses employees without notice, what these men desire is not freedom to get back in kind at the corporation, but rather the liberty to appeal to an impartial third party to review their case. While having no use for the liberty of firing a board of directors, they would have use for a reasonably guaranteed security of employment. When a manufacturing enterprise pays excessively low wages to its employees their liberty to follow a similar policy is poor consolation for the absence of a guaranteed minimum wage. What the weaker party generally wants in economic life is not equal liberty but present protection against the abuse of liberty by the stronger party. In the second place, because of an initial inequality of power in the economic arena, equal liberty for all to pursue their interests is incompatible with the security of all in the possession of the means of living. The freedom of a group of investment bankers to control the fluctuation of the market is not sufficiently confined by the equal liberty of some other group to do the same thing. Nor is the liberty of corporations to evade income taxes adequately restricted by assurance that others are free to do it, too. Where the liberties of some to go their own way tend to deprive others of the means of living, and so to impair their individuality, the state does not help matters by remaining aloof. Individuality is released most effectively in the economic sphere not by protecting the equal liberty of all but by using political methods to deprive some men of certain liberties in order to provide a more equal and secure distribution of means among the many.



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Nevertheless, if the provision of resources is to contribute to the release of individuality, some further liberties are fundamental. Men must have scope to use the means that are secured them to find their own particular forms of satisfaction. This is clear, for example, with regard to the use of a wage, a pension, or insurance payments. But the issue is more complex with regard to freedom in the use of one's job. Vocations are on the border line between economic and cultural activity. They may be at one and the same time utilitarian, and worth-while in themselves. While a farmer seeks his livelihood by laboring in the fields, he may also find contentment in daily association with his land. An artist who earns his living by his art, often expresses himself most directly in his work. Moreover, the greater part of any man's lifetime must be spent in vocational activities. If his work is in no sense the spontaneous expression of himself, what he habitually has to do hinders rather than releases his individuality. Those liberties are fundamental, therefore, which allow the greatest number to pursue daily work compatible with their natures.

This implies, to begin with, that men have liberty to choose the kind of work they wish to undertake, and are not forced against their wills to pursue a job which they consider alien to their natures. Conscription of labor for whatever purpose is the antithesis of such a liberty. In the second place, men must have some scope for initiative both in controlling and performing their jobs. This is not difficult to make possible where work depends upon forms of private property that an owner can oper-



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ate himself. An individual farmer with his land and tools, a writer with his study and books, or an artist with his implements, may root his life in work which is in a very real sense his own. But in cases where work is contingent upon forms of property exceeding what any man can operate by himself, the problem is more difficult. During the last two centuries of technological achievement vast areas of work have passed over into the collective category in which large numbers of workers are necessary to the finished product. The practical result of this change has been the separation of laborers who work on a job from ownership in or control over the conditions of their work. The majority are hired as wage earners to execute work which is planned and directed by others. The weaver, for example, who formerly owned and operated his private handloom is now in a factory doing his work at the bidding of others with little chance to exert his energies on work experienced as his own. Out of this situation arises a major necessity, to develop new forms of communal ownership and control giving to men who work on 'collective jobs' rootage in a vocation they can call their own with avenues for initiative corresponding to those still open to men engaged in the individual type of work.<sup>29</sup>

Such vocational liberties will depend, of course, upon the deprivation of the liberties of some men who find satisfaction in their present work. This aspect we have constantly stressed. But while the employer may enjoy

<sup>29</sup> On this problem see Eduard Heimann, *Communism, Fascism, or Democracy?* (New York, 1938), *passim*.



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exerting arbitrary control over his employees, this is no definitive justification for not bothering him. It is apparent that individuality is released for the larger number when those economic liberties are sponsored which promote the greatest equality of means, and make possible the widest scope for initiative in their use.

If the people as a whole are to maintain the fundamental cultural and economic liberties, they must control the main trends of public policy. They must be free to determine the broad uses to which political power is put. While such freedom does not assure the other fundamental liberties, it is more likely to make them possible than is the freedom of a small minority group to decide policy arbitrarily.

Where the people as a whole are not allowed to participate actively in the determination of political policy, as under dictatorship, they have no direct means either to promote or to safeguard important liberties. Men are free in Italy to sustain the policies of the Fascist party. But when party actions impair individuality Italians can neither openly bear witness to the fact, nor seek to change it. With no liberty to discuss and propagate divergent political opinions, no freedom to translate opinions into political party issues to bring them before the people for political decision, men must leave the matter of their individuality to others. And men thereby put themselves in bad hands. For no Fascist party, or its equivalent, has infallible insight into the conditions which best release other men's natures. Where men like



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Gentile and his disciples claim such insight they invariably sponsor conditions which are favorable only to some model of a good nature. Men in power constantly pervert other men's lives for the sake of goods that they consider more worth-while or merely to retain power. And they remain too far removed from the concrete situations in which they force others to live, to comprehend the extent of their perversions. "Power always corrupts, absolute power absolutely corrupts."<sup>30</sup>

Under dictatorship one liberty to oppose the group in power remains. Opposition parties can function as factions, conspiracies, heresies, or underground movements, in spite of the government. Where opinion by itself is no longer an effective instrument with which to alter policies, conspiracies can descend to the tactical level of violence upon which the party in power is operating, as was reported of one underground movement in Germany: "An illegal technique had to be consciously developed to cope with the extremely thorough and methodical procedure of the enemy."<sup>31</sup> But the liberty to control policy by the revolutionary method proves a double-edged sword. For unsuccessful revolutions provide the existing government with an excuse to impose still more rigid restrictions on fundamental liberties, and successful revolutions require the impairment of these liberties while the power of the new government is being consolidated. Whether such liberties can be secured after

<sup>30</sup> John E. E. D. Acton, cited in Gerald Heard, *The Source of Civilization* (New York, 1937), 114.

<sup>31</sup> Evelyn Lend, *The Underground Struggle in Germany* (New York, 1938), 30.



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this preliminary period depends largely on the degree to which toleration is promoted, and toleration is not usually the outcome of prolonged regimentation. This dilemma with regard to revolution partly accounts for the fact that so many men under dictatorship evade the larger problem of redistributing outer restraints and instead find liberty for themselves, as Epictetus did, through subjective changes in their own wants and convictions.

On the other hand, where people are free actively to determine the uses of political power they have a chance to secure the important liberties. In contemporary democracies men are thus relatively free to express their opinion on political questions and to associate in pressure groups and political parties in order to make their opinions effective in policy. Under such conditions experiments are possible in the direction of a greater equality of means and a greater scope for initiative in using these means, while simultaneously safeguarding cultural liberties.

There is, of course, the profoundly difficult problem of discovering how far the state can be used to promote a greater equality of means, without simultaneously being used to promote uniformity of cultural and political opinion; for efforts on the part of any government to equalize opportunity precipitate moves to control opinion also. On the one hand, such moves originate with powerful groups who resent efforts to deprive them of their privileges. Such groups are eager to forbid the discussion of 'dangerous' political ideas, to monopolize the



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channels of communication and forestall the circulation of 'unsound' principles, and on some occasions to outlaw all pressure groups and political parties but their own. So the Insurgents in Spain, backed by powerful economic and religious interests, formed private military forces to forestall the initiation of policies which threatened their privileges. On the other hand, moves to coördinate opinion may arise from another source altogether, from groups within the government who seek to protect the efficient functioning of an economic program. Effective steps in the redistribution of means depend upon the use of considerable political power in a consistent way over a period of years. Opposition to the program must be at a minimum and positive enthusiasm for it at a maximum. This is what the Russians discovered. As Trotsky said: "No organization except the army has ever controlled man with such severe compulsion as does the state organization of the working-class in the difficult period of transition. . . . The state, before disappearing, assumes . . . the most ruthless form," and "embraces authoritatively the life of the citizens in every direction."<sup>32</sup>

The presence of the fundamental liberties depends upon resisting drives to extend political control over opinion originating in either of these two sources. This is the crux of the problem of liberty in democracies to-day. While the release of individuality depends upon the government having power to experiment with new forms

<sup>32</sup> L. Trotsky, *The Defense of Terrorism: a Reply to Karl Kautsky* (London, 1921), 157.



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of communal ownership in industries, new types of social insurance, public works, taxation, etc., in the direction of equalizing opportunity, it depends no less upon the use of such power only for the functions which the government is competent to perform. To keep political power relative to such functions is the primary political problem. It requires, on the one side, that the government suppress groups which form private military forces leading to violence or the preparation of violence against groups maintaining differing opinions or against the government. It demands, on the other side, such effective machinery for calling the government itself to account, that public power cannot be used to suppress cultural differences.

While the liberty to express one's opinion on all political questions, to use the radio, press, and cinema in spreading one's convictions, to form pressure groups and political parties to determine policy, does not assure the other important liberties, it alone may make them possible.

While keeping in mind that the release of individuality is the ultimate test by which we can distinguish the most fundamental liberties, we must recognize that it is not the final test for weighing these liberties in relation to other goods. As Robert MacIver has written: "that well-being which we all seek within society, is ultimate alone and beyond any of its formal conditions, even liberty."<sup>33</sup> Individuality itself is only one among the ele-

<sup>33</sup> R. M. MacIver, *The Modern State*, 459-460.



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ments of welfare. Even as great a proponent of individuality as John Stuart Mill speaks of its free development as "one of the leading essentials of well-being."<sup>34</sup> It is true that he goes on to say briefly, what we have been concerned to establish in this chapter, that individuality is "not only a co-ordinate element with all that is designated by the terms civilization, instruction, education, culture, but is itself a necessary part and condition of all those things."<sup>35</sup>

But there are periods when even individuality seems of little value, and the liberties which release it correspondingly unimportant. In times of severe public crisis this is almost universally true; on the threat or outbreak of war, upon the breakdown of essential economic functions, on the refusal of a minority to abide by the decisions of the majority, or upon the inability of clashing interests to form a majority government. "It is futile protesting about human dignity and spiritual values when people feel their very existence at stake."<sup>36</sup> For when life is threatened, or seems threatened, its preservation rather than its use becomes the paramount concern. The instinct to live is in this respect more primary than the urge to individuality. Subserviency, at any price, to those who promise swiftness of action and security, replaces individuality as the leading element of well-being. People give up conditions conducive to initiative and independence of judgment in the hope of

<sup>34</sup> J. S. Mill, *On Liberty*, 95.

<sup>35</sup> *Ibid.*, 95.

<sup>36</sup> Eduard Heimann, *Communism, Fascism or Democracy?* (New York, 1938), 47.



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saving the requirements of mere existence, a locality in which to live, food, or a government capable of maintaining the peace. They become slaves in order to survive.

One may agree with Benjamin Franklin that "Those who would give up **ESSENTIAL LIBERTY** to purchase a little **TEMPORARY SAFETY**, deserve neither **LIBERTY** nor **SAFETY**."<sup>37</sup> The fact remains, however, that the fundamental liberties can be maintained only if they prove compatible with conditions of order. Social order is the precondition of the survival and continuance of life itself. Where liberties prove destructive of the cohesion and functioning of an economic system which supplies men's primary needs or of the unity of a government which can maintain peace, they do not survive.

It is therefore important to point out that the liberties we have distinguished as fundamental may be entirely compatible with the requirements of social order. To begin with, where, as in the area of cultural activity, it is possible to differ so that the practices of some do not prevent the practices of others, the requirements of order do not compel political regulation. A variety of spontaneous, religious, scientific, artistic, and recreational associations can exist side by side in the same community in peace. Only when cultural groups conceive of themselves as agencies to determine what single belief or practice shall prevail in a community does their freedom prove incompatible with conditions of order. Otherwise,

<sup>37</sup> Benjamin Franklin, motto on fly-leaf of *An Historical Review of the Constitution and Government of Pennsylvania* (London, 1759).



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full cultural liberty can be consistent with a peaceable society. On the other hand, if all the differentiated and specialized functions which constitute economic activity are to work together in some sort of effective system, a large number of requirements must be uniform for all concerned. This means the end of certain economic liberties for some people. A single monetary system, uniform rules of incorporation, of competition, of contract, for example, must be maintained. Some important elements of consistency may be secured by free competition, particularly in areas where the individual type of work still predominates. But in areas of collective work, where groups are initially unequal in power, a conscious political regulation is the precondition of even a minimum of regularity. In the economic area, then, a larger degree of political control may be consistent both with a greater individuality and with the demands of a functioning economic system. Finally, order depends upon the presence of only one government in a community. But a single government may coexist with a diversity of political parties and pressure groups concerned with determining the form of government which shall prevail and the policies it shall follow. Only when a minority refuses to abide by the conclusions of a majority, or when no government can be formed by a *reconciliation* of the different things men want, is order imperiled by political liberties. It is out of such public crises that dictatorships are born.

One undeniable fact remains, however. Any government born out of a public crisis, which survives that



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crisis, must adapt itself at some point to less critical conditions. This holds true both for dictatorships which admit their own temporary character, and for those which aspire to immortality. A government may perpetuate a state of fear far beyond the period of immediate danger in an effort to keep the people automatically responsive to its commands. Such an effort is being made by the Fascist and National Socialist governments. But once such governments preserve the unity of the nation, stabilize the essential economic functions, and succeed in keeping order, the mere instinct to live is satisfied. The urge to do with one's life as one wants reasserts itself. Individuality comes again to be considered by many a leading element of well-being. The perennial political problem reappears: how shall society make possible the fundamental liberties?



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